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CHAPTER NO. 615

[SB 497]

AN ACT ADDRESSING CAREER FATIGUE AND WELLNESS IN CERTAIN HEALTH CARE PROVIDERS; PROVIDING CIVIL IMMUNITY FOR MEMBERS OF OR HEALTH CARE PROFESSIONAL CONSULTANTS TO CERTAIN ENTITIES ADDRESSING CAREER FATIGUE AND WELLNESS IN HEALTH CARE PROVIDERS; REVISING MANDATORY AND PERMISSIVE REPORTING LAWS RELATED TO CERTAIN HEALTH CARE PROVIDERS; AMENDING SECTIONS 37-3-401 AND 37-4-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Health care provider professional wellness program -- reporting -- nonliability -- evidentiary privilege -- definitions. (1) A person may not be obligated to report information regarding a health care provider to the provider's respective licensing board solely because the health care provider is a participant in a professional program.

(2) A professional program and its agents are immune from civil liability for any act, decision, omission, or utterance done or made in performance of the professional program. An active participant in a professional program may not be employed or engaged by the professional program or have a financial ownership interest in the professional program.

(3) (a) The proceedings, minutes, records, reports, analyses, findings, conclusions, recommendations, and deliberative process, including oral or written opinions and reports, of a professional program originating in or provided to the professional program are not subject to discovery or introduction into evidence in any civil action unless a court of competent jurisdiction, after a hearing in camera, determines that the evidence is not otherwise available and that extraordinary circumstances exist such that the need for the evidence substantially outweighs the interest in protecting the evidence from disclosure and orders the disclosure of information. The information is not admissible in a licensing action unless the office of administrative hearings determines, after in an in camera review, that the factors of public safety and health outweigh the individual right of privacy of the licensee subject to the licensing action.

(b) A person involved in the work of a professional program may not be questioned as a witness in a civil action regarding the person's knowledge of any factual information regarding specific patient health care or treatment by virtue of the person's involvement in the professional program.

(c) Exchange of information between professional programs does not constitute a waiver of any privilege provided in this subsection (3).

(4) As used in this section, the following definitions apply:

(a) "Board" means the board of medical examiners established in 2-15-1731, the board of dentistry established in 2-15-1732, the board of pharmacy established in 2-15-1733, the board of nursing established in 2-15-1734, and the board of behavioral health established in 2-15-1744.

(b) "Health care provider" means:

(i) a physician, physician assistant, dentist, mental health professional as defined in 37-39-102, pharmacist, or nurse licensed under Title 37; or

(ii) students enrolled in a school of medicine, osteopathic medicine, physician assistant medicine, nursing, dentistry, or pharmacy or in a behavioral health or mental health educational program.

(c) "Professional program" means a program created to address issues related to career fatigue and wellness in health care providers and that:

(i) is established or contracted for by a statewide association that primarily represents health care providers; and

(ii) is exempt from federal income taxes pursuant to section 501(c)(3) or 501(c)(6) of the Internal Revenue Code.

Section 2. Section 37-3-401, MCA, is amended to read:

"**37-3-401. Report of incompetence or unprofessional conduct.** (1) ~~Notwithstanding~~ *Except as provided in [section 1], notwithstanding* any provision of state law dealing with confidentiality, each licensed physician, professional standards review organization, and the Montana medical association or any component society of the association shall and any other person may report to the board any information that the physician, organization, association, society, or person has that appears to show that a physician is:

(a) medically incompetent;

(b) mentally or physically unable to safely engage in the practice of medicine; or

(c) guilty of unprofessional conduct.

(2) (a) Information that relates to possible physical or mental impairment connected to habitual intemperance or excessive use of addictive drugs, alcohol, or any other drug or substance by a licensee or to other mental or chronic physical illness of a licensee may be reported to the appropriate personnel of the medical assistance program established by the board under 37-3-203, in lieu of reporting directly to the board.

(b) The medical assistance program personnel referred to in subsection (2)(a) shall report to the board the identity of a licensee and all facts and documentation in their possession if:

(i) the licensee fails or refuses to:

(A) comply with a reasonable request that the licensee undergo a mental, physical, or chemical dependency evaluation or a combination of evaluations;

(B) undergo a reasonable course of recommended treatment, including reasonable aftercare;

(C) satisfactorily complete a reasonable evaluation, a course of treatment, or aftercare;

(ii) the licensee's condition creates a risk of harm to the licensee, a patient, or others; or

(iii) the medical assistance program personnel are in possession of information that appears to show that the licensee has or is otherwise engaged in unprofessional conduct.

(3) This section applies to professional standards review organizations only to the extent that the organizations are not prohibited from disclosing information under federal law."

Section 3. Section 37-4-312, MCA, is amended to read:

"**37-4-312. Report of incompetence or unprofessional conduct.** (1) ~~Notwithstanding~~ *Except as provided in [section 1], notwithstanding* any provision of state law dealing with confidentiality, each licensee, professional standards review organization, the Montana dental association or any component society of the association, and any other person may report to the board any information that the licensee, organization, association, society, or person has that appears to show that a licensee is physically or mentally impaired by habitual intemperance or excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness.

(2) (a) Information that relates to possible physical or mental impairment connected to habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance by a licensee or to other mental or chronic physical illness of a licensee may be reported to the appropriate personnel of the program endorsed by the board under 37-4-311 in lieu of reporting directly to the board.

(b) The program personnel referred to in subsection (2)(a) shall report to the board the identity of a licensee and all facts and documentation in their possession if:

(i) the licensee fails or refuses to comply with a reasonable request that the licensee undergo a mental, physical, or chemical dependency evaluation or a combination of evaluations;

(ii) the licensee fails or refuses to undergo a reasonable course of treatment that the program personnel recommend, including reasonable aftercare;

(iii) the licensee fails or refuses to satisfactorily complete a reasonable evaluation, a course of treatment, or aftercare; or

(iv) the licensee's condition creates a risk of harm to the licensee, a patient, or others.

(3) This section applies to professional standards review organizations only to the extent that the organizations are not prohibited from disclosing information under federal law."

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 2, part 2, and the provisions of Title 37, chapter 2, part 2, apply to [section 1].

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 12, 2025

CHAPTER NO. 616

[SB 514]

AN ACT GENERALLY REVISING THE FIXING OF UPLAND GAME BIRD SEASONS; REQUIRING THE FISH AND WILDLIFE COMMISSION TO ALLOW RESIDENTS TO HUNT PRIOR TO NONRESIDENTS FOR ALL UPLAND GAME BIRDS EXCEPT MOUNTAIN GROUSE; PROVIDING A DEFINITION; AMENDING SECTION 87-1-304, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Section 87-1-304, MCA, is amended to read:

"**87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of 87-5-302 and subsections (7) through ~~(9)~~ *(10)* of this section, the commission may:

(a) fix seasons, bag limits, possession limits, and season limits;

(b) open or close or shorten or lengthen seasons on any species of game bird, fish, or fur-bearing animal as defined by 87-2-101;

(c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf in those areas;

(d) subject to the provisions of 87-1-301(6), restrict areas and species to hunting with only specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences; and

(e) declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property. In determining to whom special licenses must be issued, the commission may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system must be determined by the commission.

(2) The commission may adopt rules governing the use of livestock and vehicles by archers during special archery seasons.

(3) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

(4) The commission may declare a closed season on any species of game, fish, game birds, or fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds, and nongame birds. The commission may open the area or district upon consent of a majority of the property owners affected.

(5) The commission may authorize the director to open or close any special season upon 12 hours' notice to the public.

(6) The commission may declare certain fishing waters closed to fishing except by persons under 15 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers advisable and consistent with its policies relating to fishing.

(7) In an area immediately adjacent to a national park, the commission may not:

(a) prohibit the hunting or trapping of wolves; or

(b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the commission for that area has been met.

(8) The commission may authorize a wolf trapping season that opens the first Monday after Thanksgiving and closes March 15 of the following calendar year, except that the commission may adjust the dates for specific wolf management units based on regional recommendations.

(9) There is established a special muzzleloader heritage hunting season that begins on the second Saturday after the end of the regular season and lasts 9 days. During this season, subject to the provisions of 87-6-401(1)(i) and rules adopted by the commission, a person may take a deer or elk with a valid license or permit using plain lead projectiles and a muzzleloading rifle that is charged with loose black powder, loose pyrodex, or an equivalent loose

black powder substitute and ignited by a flintlock, wheel lock, matchlock, or percussion mechanism using a percussion or musket cap. The muzzleloading rifle must be a minimum of 45 caliber and may not have more than two barrels."

(10) (a) Except on privately owned lands that are not a part of a hunting access program pursuant to 87-1-246 through 87-1-249 and 87-1-265, the commission shall allow residents as defined in 87-2-102 to begin hunting 10 days prior to nonresidents for all upland game birds, including ring-necked pheasant, but excluding mountain grouse.

(b) For the purposes of this subsection (10), "mountain grouse" means blue grouse, spruce (Franklin) grouse, and ruffed grouse.

Section 2. Effective date. [This act] is effective March 1, 2026.

Approved May 12, 2025

CHAPTER NO. 617

[SB 520]

AN ACT REVISING LAWS REGARDING MINING LEASES ON STATE LANDS; REVISING THE TERM OF LEASES ISSUED FOR MINING METALLIFEROUS MINERALS OR GEMS AND NONMETALLIC MINERALS; REVISING LIMITS ON PUBLIC INSPECTION RIGHTS; PROVIDING FOR MODIFICATION OF LEASES ISSUED FOR MINING NONMETALLIC MINERALS; PROVIDING DEFINITIONS; AMENDING SECTIONS 77-3-102, 77-3-117, 77-3-130, 77-3-203, AND 77-3-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 77-3-102, MCA, is amended to read:

"**77-3-102. Mining leases authorized -- *term of leases -- definitions.*** (1) The board may, in its discretion and subject to the other provisions of this part, lease state lands, including the beds of navigable streams and the beds of navigable bodies of water and the reserved mineral rights of the state in lands sold or leased by the state, to any person, association, or corporation for the purpose of prospecting for or mining metalliferous minerals or gems.

(2) *(a)* ~~These leases may be for a period of time determined by the board, subject to limitations contained in the grants by which the state has acquired title to lands or mineral rights so leased~~ *Subject to subsections (2)(b) and (2)(c), mining leases must be issued for:*

(i) a primary term of not less than 10 years and to be held by production for as long thereafter as metalliferous minerals or gems are produced in commercial quantities; or

(ii) if the lands are subject to limitations contained in grants by which the state acquired title to the lands or mineral rights to be leased, a period determined by the board to be in accordance with the limitations.

(b) If a lease issued under this part, a corresponding permit issued pursuant to Title 82, chapter 4, or a proposed evaluation under Title 75 is enjoined or ineffective due to a temporary restraining order, preliminary injunction, or other equitable relief, or if its issuance is postponed by a challenge requiring further agency review, then the primary term of the lease described in subsection (2)(a) must be commensurately extended for the period that the lease, permit, or action is enjoined or ineffective.

(c) If a lease is issued under this part and an exploration license provided for in 82-4-332 is obtained on the leased land, the lease must be extended

commensurately with the period for which the exploration license is authorized and for which exploration is occurring on the leased land.

(3) As long as a lessee complies with the terms and conditions of a lease, the lease may not be terminated at the end of the primary term of the lease described in subsection (2)(a) if the lands are covered and described by a mining permit issued under Title 82, chapter 4, or are described in a mine-site location permit under Title 82, chapter 4.

~~(3)~~*(4)* Leases issued under this part must give the lessee, ~~so~~ *as* long as the lessee complies with the terms and conditions of the lease, the exclusive right of possession of the lands or mineral rights leased, subject to any reservations contained in the leases.

~~(4)~~*(5)* In making the leases, the board may exercise business discretion as long as this part is not violated.

(6) As used in this section, the following definitions apply:

(a) "Commercial quantities" means a quantity of metalliferous minerals or gems that can be sold at a profit.

(b) "Covered and described" or "described" means, under a mine permit or a mine-site location permit, that the leased lands or a portion of the leased lands within or outside the boundaries of the permit area are expected to be affected or disturbed at some point during the term of the permittee's exploration activities or surface mining or underground mining operations and are identified in the permittee's license or permit application."

Section 2. Section 77-3-117, MCA, is amended to read:

"**77-3-117. Modification of lease provisions.** The board, by agreement with the permittee or lessee, may, in its discretion and upon such terms as it considers best, amend or modify the terms and conditions within the limitations of this part or extend the term of any lease or prospecting permit issued under this part, subject to the limitations contained in 77-3-102~~(1) and (2)~~."

Section 3. Section 77-3-130, MCA, is amended to read:

"**77-3-130. Limitation on public inspection rights.** The department ~~may~~ *shall* withhold from public inspection any information obtained from a mining lessee or permittee under this part if the information relates to ~~the geology of the mining lease or permit~~ *proprietary geological information*. The withholding is effective for as long as the department considers ~~it~~ necessary*, but in no event may be less than 5 years after expiration of the lease or permit,* ~~either~~ to protect the mining lessee's or permittee's economic interest in the *proprietary* geologic information against unwarranted injury or to protect the public's best interest."

Section 4. Section 77-3-203, MCA, is amended to read:

"**77-3-203. Duration of lease.** *(1) (a) Subject to subsections (1)(b) and (1)(c), a lease must be issued for:*

(i) ~~No such lease shall be made for a longer~~ *a primary* term *of not less* than 10 years~~.~~ *and to be held by production for as long thereafter as nonmetallic minerals are produced in commercial quantities; or*

(ii) if the lands are subject to limitations contained in grants by which the state acquired title to the lands or mineral rights to be leased, a period determined by the board to be in accordance with the limitations.

(b) If a lease issued under this part, a corresponding permit issued pursuant to Title 82, chapter 4, or a proposed evaluation under Title 75 is enjoined or ineffective due to a temporary restraining order, preliminary injunction, or other equitable relief, or if its issuance is postponed by a challenge requiring further agency review, then the primary term of the lease described in subsection (1)(a) must be commensurately extended for the period that the lease, permit, or action is enjoined or ineffective.

(c) If a lease is issued under this part and an exploration license as provided for in 82-4-332 is obtained on the leased lands, the lease must be extended commensurately with the period for which the exploration license is authorized and for which exploration is occurring on the leased lands.

(2) (a) As long as a lessee complies with the terms and conditions of a lease, the lease may not be terminated at the end of the primary term of the lease described in subsection (1)(a) if the lands are covered and described by a mining permit issued under Title 82, chapter 4, or are described in a mine-site location permit under Title 82, chapter 4.

(b) If nonproduction may result in the termination of a lease under this part, the lessee may provide notice to the board of the lessee's election to pay a nonproduction royalty to extend the primary term of the lease for a one-time, subsequent term of 5 years. The board may determine the appropriate nonproduction royalty payment to be paid by the lessee.

(3) As used in this section, the following definitions apply:

(a) "Commercial quantities" means a quantity of nonmetallic minerals that can be sold at a profit.

(b) "Covered and described" or "described" means, under a mine permit or a mine-site location permit, that the leased lands or a portion of the leased lands within or outside the boundaries of the permit area are expected to be affected or disturbed at some point during the term of the permittee's exploration activities or surface mining or underground mining operations and are identified in the permit or permit application."

Section 5. Section 77-3-211, MCA, is amended to read:

"**77-3-211. Limitation on public inspection rights.** The department ~~may~~ *shall* withhold from public inspection any information obtained from a lessee under this part if the information relates to the geology of the mining lease *proprietary geological information*. The withholding is effective for as long as the department considers ~~it~~ necessary*, but in no event may be less than 5 years after the expiration of the lease or permit,* ~~either~~ to protect the lessee's economic interest in the *proprietary* geologic information against unwarranted injury or to protect the public's best interest."

Section 6. Modification of lease provisions. The board, by agreement with the permittee or lessee, may, in its discretion and upon such terms as it considers best, amend or modify the terms and conditions within the limitations of this part or extend the term of any lease or prospecting permit issued under this part, subject to the limitations contained in 77-3-203.

Section 7. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 77, chapter 3, part 2, and the provisions of Title 77, chapter 3, part 2, apply to [section 6].

Section 8. Effective date. [This act] is effective on passage and approval.

Approved May 12, 2025

CHAPTER NO. 618

[SB 524]

AN ACT GENERALLY REVISING LAWS RELATED TO CATEGORY D ASSISTED LIVING FACILITIES; ALLOWING CATEGORY D LIVING FACILITIES TO BE INDEPENDENT FACILITIES OR COLOCATED WITH OTHER LICENSED FACILITIES; LIMITING THE NUMBER OF RESIDENTS PERMITTED IN A CATEGORY D ASSISTED LIVING FACILITY;

CLARIFYING THAT CATEGORY D ASSISTED LIVING FACILITIES ARE NOT REQUIRED TO USE SECLUSION, CHEMICAL RESTRAINTS, OR PHYSICAL RESTRAINTS; REQUIRING CATEGORY D ASSISTED LIVING FACILITIES TO RECEIVE PRIOR AUTHORIZATION TO USE RESTRAINTS AND SECLUSION; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE TECHNICAL ASSISTANCE AND A SPECIALIZED REIMBURSEMENT MODEL TO CATEGORY D ASSISTED LIVING FACILITIES; PROVIDING FOR DIVERSION FROM THE MONTANA STATE HOSPITAL TO CATEGORY D ASSISTED LIVING FACILITIES; PROVIDING A PROCESS TO COMMIT AN INDIVIDUAL TO A CATEGORY D ASSISTED LIVING FACILITY; AND AMENDING SECTIONS 50-5-226, 53-21-127, AND 53-21-199, MCA.

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

Section 1. Section 50-5-226, MCA, is amended to read:

"**50-5-226. Placement in assisted living facilities.** (1) An assisted living facility may provide personal-care services to a resident who is 18 years of age or older and in need of the personal care for which the facility is licensed under 50-5-227.

(2) An assisted living facility licensed as a category A facility under 50-5-227 may not admit or retain a category A resident unless each of the following conditions is met:

(a) The resident may not require physical or chemical restraint or confinement in locked quarters, but may consent to the use of safety devices pursuant to Title 50, chapter 5, part 12.

(b) The resident may not have a stage 3 or stage 4 pressure ulcer.

(c) The resident may not have a gastrostomy or jejunostomy tube.

(d) The resident may not require skilled nursing care or other skilled services on a continued basis except for the administration of medications consistent with applicable laws and regulations.

(e) The resident may not be a danger to self or others.

(f) The resident must be able to accomplish activities of daily living with supervision and assistance based on the following:

(i) the resident may not be consistently and totally dependent in four or more activities of daily living as a result of a cognitive or physical impairment; and

(ii) the resident may not have a severe cognitive impairment that renders the resident incapable of expressing needs or making basic care decisions.

(3) An assisted living facility licensed as a category B facility under 50-5-227 may not admit or retain a category B resident unless each of the following conditions is met:

(a) The resident may require skilled nursing care or other services for more than 30 days for an incident, for more than 120 days a year that may be provided or arranged for by either the facility or the resident, and as provided for in the facility agreement.

(b) The resident may be consistently and totally dependent in more than four activities of daily living.

(c) The resident may not require physical or chemical restraint or confinement in locked quarters, but may consent to the use of safety devices pursuant to Title 50, chapter 5, part 12.

(d) The resident may not be a danger to self or others.

(e) The resident must have a practitioner's written order for admission as a category B resident and written orders for care.

(f) The resident must have a signed health care assessment, renewed on a quarterly basis by a licensed health care professional who:

(i) actually visited the facility within the calendar quarter covered by the assessment;

(ii) has certified that the particular needs of the resident can be adequately met in the facility; and

(iii) has certified that there has been no significant change in health care status that would require another level of care.

(4) An assisted living facility licensed as a category C facility under 50-5-227 may not admit or retain a category C resident unless each of the following conditions is met:

(a) The resident has a severe cognitive impairment that renders the resident incapable of expressing needs or of making basic care decisions.

(b) The resident may be at risk for leaving the facility without regard for personal safety.

(c) Except as provided in subsection (4)(b), the resident may not be a danger to self or others.

(d) The resident may not require physical or chemical restraint or confinement in locked quarters, but may consent to the use of safety devices pursuant to Title 50, chapter 5, part 12.

(5) *(a) An assisted living facility licensed as a category D facility under 50-5-227 may be an independent facility or may share a facility with another licensed facility. A category D assisted living facility may not have more than 15 residents.*

~~(a)~~*(b)* An assisted living facility licensed as a category D facility ~~under 50-5-227~~ may not admit or retain a category D resident unless each of the conditions in subsections ~~(5)(b)~~ *(5)(c)* and ~~(5)(c)~~ *(5)(d)* is met or a court has ordered diversion as provided in subsection ~~(5)(d)~~ *(5)(f)*.

~~(b)~~*(c)* The resident must be dependent on assistance for two or more activities of daily living and may require skilled nursing care or other services that may be provided or arranged for by either the facility or the resident or provided for in the facility agreement.

~~(c)~~*(d)* The resident must be assessed by a practitioner or adjudged by a court as having been or potentially being a danger to self or others. The practitioner shall submit both a health care assessment, renewed on a monthly basis, and a written order for care that:

(i) provides information on behavioral patterns under which the category D resident may pose a threat to others and may need to be kept separate from other category D residents or residents in other categories of assisted care;

(ii) lists the conditions under which the category D resident can be reasonably, temporarily restrained, using protective restraints, medications, or confinement to avoid harm to the resident or others*, if the category D assisted living facility elects to use these interventions*;

(iii) includes a reason why a category D assisted living facility is more appropriate than other options for care and provides an assessment of the resident's needs and plan for care; and

(iv) indicates the timeframe over which the resident's health care status has remained the same or changed.

(e) A category D assisted living facility is not required to use reasonable, temporary restraints described in subsection (5)(d)(ii) and is not required to have seclusion and restraint rooms if the facility is not going to use the interventions. A category D assisted living facility must receive prior approval of the facility's seclusion and restraint policies before the facility utilizes the interventions.

~~(d)~~*(f)* A court may order a diversion from an involuntary commitment to Montana state hospital or from the Montana mental health nursing care center as provided in 53-21-127 or 53-21-199. A diversion ordered pursuant to 53-21-199 may be an involuntary commitment but must be treated as provided in 53-21-181.

(g) The department shall provide specialized technical assistance to a category D assisted living facility to help the facility meet the evolving needs of the facility's residents and avoid the facility terminating services due to the increased behavioral support needs of the facility's residents.

(h) (i) The department shall develop and maintain a reimbursement model that secures adequate capacity in category D assisted living facilities to allow for sufficient bed space to divert as many people as possible from commitment to the Montana state hospital. The reimbursement model must include enhanced payments for higher acuity needs and higher rates for facilities that provide more individualized or intensive services to fewer than 15 residents.

(ii) By April 1, 2026, the department shall adopt rules and a reimbursement model to implement this subsection (5).

(6) For category B, C, and D residents, the assisted living facility shall specify services that it will provide in the facility admission criteria.

(7) The department shall develop standardized forms and education and training materials to provide to the assisted living facilities and to the licensed health care professionals who are responsible for the signed statements provided for in subsection (3)(f). The use of the standardized forms is voluntary.

(8) The department shall provide by rule:

(a) an application or placement procedure informing a prospective resident and, if applicable, the resident's practitioner of:

(i) physical and mental standards for residents of assisted living facilities;

(ii) requirements for placement in a facility with a higher standard of care if a resident's condition deteriorates; and

(iii) the services offered by the facility and services that a resident may receive from third-party providers while the resident lives at the facility;

(b) standards to be used by a facility and, if appropriate, by a screening agency to screen residents and prospective residents to prevent residence by individuals referred to in subsections (3) through (5). An individual subject to 46-14-301 is not eligible to be placed in a category D assisted living facility.

(c) a method by which the results of any screening decision made pursuant to rules established under subsection (8)(b) may be appealed by the facility operator or by or on behalf of a resident or prospective resident;

(d) standards for operating a category A assisted living facility, including standards for the physical, structural, environmental, sanitary, infection control, dietary, social, staffing, and recordkeeping components of a facility and the storage and administration of over-the-counter and prescription medications;

(e) standards for operating a category B assisted living facility, which must include the standards for a category A assisted living facility and additional standards for assessment of residents, care planning, qualifications and training of staff, prevention and care of pressure sores, and incontinence care; and

(f) standards for operating a category C and a category D assisted living facility, which must include the standards for a category B assisted living facility and additional standards for resident assessment, the provision of specialty care to residents with cognitive impairments, and additional qualifications of and training for the administrator and direct-care staff. The

standards for a category D assisted living facility must also include specific safety and restraint training."

Section 2. Section 53-21-127, MCA, is amended to read:

"**53-21-127. (Temporary) Posttrial disposition.** (1) If, upon trial, it is determined that the respondent is not suffering from a mental disorder or does not require commitment within the meaning of this part, the respondent must be discharged and the petition dismissed.

(2) If it is determined that the respondent is suffering from a mental disorder and requires commitment within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing must be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent.

(3) At the conclusion of the disposition hearing and pursuant to the provisions in subsection (7), the court shall:

(a) subject to the provisions of 53-21-193, commit the respondent to the state hospital or to a behavioral health inpatient facility for a period of not more than 3 months;

(b) commit the respondent to a community facility, which may include a category D assisted living facility, or a community program or to any appropriate course of treatment, which may include housing or residential requirements or conditions as provided in 53-21-149, for a period of:

(i) not more than 3 months; or

(ii) not more than 6 months in order to provide the respondent with a less restrictive commitment in the community rather than a more restrictive placement in the state hospital if a respondent has been previously involuntarily committed for inpatient treatment in a mental health facility and the court determines that the admission of evidence of the previous involuntary commitment is relevant to the criterion of predictability, as provided in 53-21-126(1)(d), and outweighs the prejudicial effect of its admission, as provided in 53-21-190; or

(c) commit the respondent to the Montana mental health nursing care center for a period of not more than 3 months if the following conditions are met:

(i) the respondent meets the admission criteria of the center as described in 53-21-411 and established in administrative rules of the department; and

(ii) the superintendent of the center has issued a written authorization specifying a date and time for admission.

(4) Except as provided in subsection (3)(b)(ii), a treatment ordered pursuant to this section may not affect the respondent's custody or course of treatment for a period of more than 3 months.

(5) In determining which of the alternatives in subsection (3) to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment.

(6) The court may authorize the chief medical officer of a facility or a physician designated by the court to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent or the public or to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility or a physician designated by the court approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The

~~medication review committee must include at least one person who is not an employee of the facility or program. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors and the director of the department of public health and human services must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The director shall report to the governor on an annual basis.~~

~~(7) Satisfaction of any one of the criteria listed in 53-21-126(1) justifies commitment pursuant to this chapter. However, if the court relies solely upon the criterion provided in 53-21-126(1)(d), the court may require commitment only to a community facility, which may include a category D assisted living facility, or a program or an appropriate course of treatment, as provided in subsection (3)(b), and may not require commitment at the state hospital, a behavioral health inpatient facility, or the Montana mental health nursing care center.~~

~~(8) In ordering commitment pursuant to this section, the court shall make the following findings of fact:~~

~~(a) a detailed statement of the facts upon which the court found the respondent to be suffering from a mental disorder and requiring commitment;~~

~~(b) the alternatives for treatment that were considered;~~

~~(c) the alternatives available for treatment of the respondent;~~

~~(d) the reason that any treatment alternatives were determined to be unsuitable for the respondent;~~

~~(e) the name of the facility, program, or individual to be responsible for the management and supervision of the respondent's treatment;~~

~~(f) if the order includes a requirement for inpatient treatment, the reason inpatient treatment was chosen from among other alternatives;~~

~~(g) if the order commits the respondent to the Montana mental health nursing care center, a finding that the respondent meets the admission criteria of the center and that the superintendent of the center has issued a written authorization specifying a date and time for admission;~~

~~(h) if the order provides for an evaluation to determine eligibility for entering a category D assisted living facility, a finding that indicates whether:~~

~~(i) the respondent meets the admission criteria;~~

~~(ii) there is availability in a category D assisted living facility; and~~

~~(iii) a category D assisted living facility is the least restrictive environment because the respondent is unlikely to benefit from involuntary commitment to facilities with more intensive treatment; and~~

~~(i) if the order includes involuntary medication, the reason involuntary medication was chosen from among other alternatives.~~

53-21-127. (Effective July 1, 2025) Posttrial disposition. (1) A respondent must be discharged and the petition dismissed if, upon trial, it is determined that the respondent:

(a) is not suffering from a mental disorder;

(b) does not require commitment within the meaning of this part; or

(c) is suffering from a mental disorder but the respondent's primary diagnosis is Alzheimer's disease, other forms of dementia, or traumatic brain injury and the respondent meets only the commitment criteria outlined in 53-21-126(1)(a) or (1)(d)(i)(B).

(2) If it is determined that the respondent is suffering from a mental disorder and requires commitment within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing must be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent.

(3) At the conclusion of the disposition hearing and pursuant to the provisions in subsection (7), the court shall:

(a) subject to the provisions of 53-21-193, commit the respondent to the state hospital or to a behavioral health inpatient facility for a period of not more than 3 months;

(b) commit the respondent to a community facility, which may include a category D assisted living facility, or a community program or to any appropriate course of treatment, which may include housing or residential requirements or conditions as provided in 53-21-149, for a period of:

(i) not more than 3 months; or

(ii) not more than 6 months in order to provide the respondent with a less restrictive commitment in the community rather than a more restrictive placement in the state hospital if *a respondent is committed to a category D assisted living facility as provided in 53-21-199 or if* a respondent has been previously involuntarily committed for inpatient treatment in a mental health facility and the court determines that the admission of evidence of the previous involuntary commitment is relevant to the criterion of predictability, as provided in 53-21-126(1)(d), and outweighs the prejudicial effect of its admission, as provided in 53-21-190; or

(c) commit the respondent to the Montana mental health nursing care center for a period of not more than 3 months if the following conditions are met:

(i) the respondent meets the admission criteria of the center as described in 53-21-411 and established in administrative rules of the department; and

(ii) the superintendent of the center has issued a written authorization specifying a date and time for admission.

(4) Except as provided in subsection (3)(b)(ii), a treatment ordered pursuant to this section may not affect the respondent's custody or course of treatment for a period of more than 3 months.

(5) In determining which of the alternatives in subsection (3) to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment.

(6) The court may authorize the chief medical officer of a facility or a physician designated by the court to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent or the public or to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility or a physician designated by the court approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility or program. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning

of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors and the director of the department of public health and human services must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The director shall report to the governor on an annual basis.

(7) Except as provided in 53-21-126(7), satisfaction of any one of the criteria listed in 53-21-126(1) justifies commitment pursuant to this chapter. However, if the court relies solely on the criterion provided in 53-21-126(1)(d), the court may require commitment only to a community facility, which may include a category D assisted living facility, or a program or an appropriate course of treatment, as provided in subsection (3)(b), and may not require commitment at the state hospital, a behavioral health inpatient facility, or the Montana mental health nursing care center.

(8) In ordering commitment pursuant to this section, the court shall make the following findings of fact:

(a) a detailed statement of the facts upon which the court found the respondent to be suffering from a mental disorder and requiring commitment;

(b) the alternatives for treatment that were considered;

(c) the alternatives available for treatment of the respondent;

(d) the reason that any treatment alternatives were determined to be unsuitable for the respondent;

(e) the name of the facility, program, or individual to be responsible for the management and supervision of the respondent's treatment;

(f) if the order includes a requirement for inpatient treatment, the reason inpatient treatment was chosen from among other alternatives;

(g) if the order commits the respondent to the Montana mental health nursing care center, a finding that the respondent meets the admission criteria of the center and that the superintendent of the center has issued a written authorization specifying a date and time for admission;

(h) if the order provides for an evaluation to determine eligibility for entering a category D assisted living facility, a finding that indicates whether:

(i) the respondent meets the admission criteria;

(ii) there is availability in a category D assisted living facility; and

(iii) a category D assisted living facility is the least restrictive environment because the respondent is unlikely to benefit from involuntary commitment to facilities with more intensive treatment; and

(i) if the order includes involuntary medication, the reason involuntary medication was chosen from among other alternatives."

Section 3. Section 53-21-199, MCA, is amended to read:

"**53-21-199. Option for diversion from involuntary commitment to Montana state hospital -- *diversion to category D assisted living facilities.*** *(1) It is the intent of the legislature to divert individuals from all forms of involuntary commitment. When it is not possible to divert an individual from involuntary commitment, it is the intent of the legislature that commitment to the Montana state hospital serves as a last resort because the Montana state hospital is the most restrictive and least cost-effective form of mental health treatment in the state.*

~~(1)~~*(2)* ~~Subject to subsection (3), a~~ *A* person with a mental disorder who is detained *or considered for detention* under 53-21-120(4) may~~, upon meeting the requirements in 50-5-226(5), request diversion~~ *be diverted* to a category D assisted living facility *pursuant to the processes outlined in this section.*

(3) A court may dismiss involuntary treatment proceedings to facilitate voluntary treatment at a category D assisted living facility if:

(a) the court finds that a person detained or considered for detention under this chapter is likely to benefit from the services of a category D assisted living facility;

(b) a category D assisted living facility is willing to serve the person; and

(c) the person is willing to receive services from the category D assisted living facility.

~~(2)~~*(4)* If *voluntary diversion to a category D facility as provided in subsection (3) is not possible and* a court, after obtaining the results of an examination as provided in 53-21-123, finds that a short-term inpatient treatment is inappropriate for a person who otherwise is eligible for involuntary commitment to the Montana state hospital, the court may initiate the process necessary to determine eligibility ~~for residency in~~ *to divert the person from the Montana state hospital by ordering involuntary commitment to* a category D assisted living facility.

~~(3)~~*(5)* For a person to be eligible for diversion from the Montana state hospital to a category D assisted living facility *pursuant to subsection (4)*, a court determination and an examination under 53-21-123 must indicate that the person:

(a) ~~is not suffering acute psychosis;~~ *meets the requirements of commitment;*

(b) ~~is experiencing behavioral patterns that may make the person a danger to self or others;~~ *meets the eligibility requirements of 50-5-226; and*

(c) ~~is dependent on assistance for two or more activities of daily living; and~~ *has been approved for admission by a category D assisted living facility.*

~~(d) is more likely to benefit from being in a category D assisted living facility than in the Montana mental health nursing care center or the Montana state hospital.~~

(6) (a) No later than 30 days before the end of a commitment period, the category D assisted living facility that approved a person for admission may provide notice to the court that the facility is no longer able to meet the treatment needs of the person committed to the facility's care.

(b) On receipt of the notice from a category D assisted living facility, the court shall initiate the process to determine if the person continues to meet the requirements under subsection (5) for diversion to a category D assisted living facility.

(c) If the person meets the requirements for commitment to a category D assisted living facility under subsection (5), but no category D assisted living facility has approved the person for admission, the court may commit the person to the Montana state hospital subject to the provisions of 53-21-127."

Approved May 12, 2025

CHAPTER NO. 619

[SB 532]

AN ACT REVISING COUNTY ZONING LAWS TO ALLOW FOR ACCESSORY DWELLING UNITS; REQUIRING COUNTIES TO ADOPT CERTAIN REGULATIONS IN RELATION TO ACCESSORY DWELLING UNITS; PROHIBITING CERTAIN REGULATIONS IN RELATION TO ACCESSORY DWELLING UNITS; ALLOWING A COUNTY TO CHARGE A FEE TO REVIEW APPLICATIONS TO CREATE ACCESSORY DWELLING UNITS; AMENDING SECTION 76-4-130, MCA; AND PROVIDING A TERMINATION DATE.

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

Section 1. Accessory dwelling units -- regulations -- restrictions. (1) (a) In jurisdictional areas where the board of county commissioners has established zoning regulations under this part, the regulations must allow a minimum of one accessory dwelling unit by right on a lot or parcel that contains a single-family dwelling.

(b) An accessory dwelling unit may be attached, detached, or internal to the single-family dwelling on a lot or parcel.

(2) A county may not:

(a) require that an accessory dwelling unit match the exterior design, roof pitch, or finishing materials of the single-family dwelling;

(b) require that the single-family dwelling or the accessory dwelling unit be occupied by the owner;

(c) require a familial, marital, or employment relationship between the occupants of the single-family dwelling and the occupants of the accessory dwelling unit;

(d) assess impact fees on the construction of an accessory dwelling unit;

(e) require improvements to public streets as a condition of permitting an accessory dwelling unit, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the accessory dwelling unit;

(f) set maximum building heights, minimum setback requirements, minimum lot sizes, maximum lot coverages, or minimum building frontages for accessory dwelling units that are more restrictive than those for the single-family dwelling on the lot;

(g) impose more onerous development standards on an accessory dwelling unit beyond those set forth in this section; or

(h) require a restrictive covenant concerning an accessory dwelling unit on a parcel zoned for residential use by a single-family dwelling. This subsection (2)(h) may not be construed to prohibit restrictive covenants concerning accessory dwelling units entered into between private parties, but the county may not condition a permit, license, or use of an accessory dwelling unit on the adoption or implementation of a restrictive covenant entered into between private parties.

(3) Nothing in this section prohibits a county from regulating short-term rentals as defined in 15-68-101.

(4) A county may require a fee for reviewing applications to create accessory dwelling units. The one-time application fee may be up to $250 for each accessory dwelling unit. Nothing in this section prohibits a county from requiring its usual building fees in addition to the application fee.

(5) A county that has not adopted or amended regulations pursuant to this section by [the effective date of this act] shall review and permit accessory dwelling units in accordance with the requirements of this section until regulations are adopted or amended. Regulations in effect on or after [the effective date of this act], that apply to accessory dwelling units and do not comply with this section are void.

(6) The provisions of this section do not supersede applicable building codes, fire codes, or public health and safety regulations adopted pursuant to Title 50, chapter 2.

(7) (a) A county may require an expedited sanitation review as allowed in subsection (7)(b).

(b) The department of environmental quality shall provide for a 15-day expedited sanitation review under 76-4-130 for an accessory dwelling unit that

is being added to a parcel with existing public water and wastewater service that has capacity for the accessory dwelling unit.

(8) Nothing in this section prohibits a county from adopting regulations that are more permissive than the accessory dwelling unit provisions provided in this section.

(9) For the purposes of this section:

(a) "accessory dwelling unit" means a self-contained living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations adopted pursuant to Title 50, chapter 2.

(b) "by right" means the ability to be approved without requiring:

(i) a public hearing;

(ii) a variance, conditional use permit, special permit, or special exception; or

(iii) other discretionary zoning action other than a determination that a site plan conforms with applicable zoning regulations;

(c) "county" means a county that exercises zoning powers under this part;

(d) "gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit; and

(e) "single-family dwelling" means a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.

Section 2. Section 76-4-130, MCA, is amended to read:

"**76-4-130. Deviation from certificate of subdivision approval -- *expedited review*.** (1) Except as provided in subsection (2), a person may not construct or use a facility that deviates from the certificate of subdivision approval until the reviewing authority has approved the deviation.

(2) *(a)* A person may deviate from the certificate of subdivision approval without approval by the reviewing authority if the deviation consists solely of connecting to municipal, county water and/or sewer district, or regional authority facilities in place of previously approved facilities. The department may require notification when a person connects to municipal, county water and/or sewer district, or regional authority facilities.

(b) A person qualifies for a 15-day expedited review under this part to deviate from the certificate of subdivision approval if the person intends to add an accessory dwelling unit as provided for in [section 1] to a parcel with existing public water and wastewater service that has capacity for the accessory dwelling unit."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, part 2, apply to [section 1].

Section 4. Termination. [Sections 1(7) and 2] terminate September 30, 2029.

Approved May 12, 2025

CHAPTER NO. 620

[SB 534]

AN ACT REVISING PROPERTY TAX ABATEMENTS FOR COMMUNICATION AND INTERNET PROPERTY; EXEMPTING CERTAIN WIRELESS INFRASTRUCTURE FROM PROPERTY TAXATION; AMENDING SECTIONS

15-6-135, 15-6-156, 15-6-219, AND 15-6-243, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Section 15-6-135, MCA, is amended to read:

"**15-6-135. Class five property -- description -- taxable percentage -- exemption.** (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in 15-6-137(1)(a);

(b) air and water pollution control and carbon capture equipment as defined in this section;

(c) any personal or real property used primarily in the production of ethanol-blended gasoline during construction and for the first 3 years of its operation;

(d) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development;

(e) machinery and equipment used in electrolytic reduction facilities; and

(f) all property used and owned by persons, firms, corporations, or other organizations that are engaged in the business of furnishing telecommunications services exclusively to rural areas or to rural areas and cities and towns of 1,200 permanent residents or less.

(2) (a) "Air and water pollution control and carbon capture equipment" means that portion of identifiable property, facilities, machinery, devices, or equipment certified as provided in subsections (2)(b) and (2)(c) and designed, constructed, under construction, or operated for removing, disposing, abating, treating, eliminating, destroying, neutralizing, stabilizing, rendering inert, storing, or preventing the creation of air or water pollutants that, except for the use of the item, would be released to the environment. This includes machinery, devices, or equipment used to capture carbon dioxide or other greenhouse gases. Reduction in pollutants obtained through operational techniques without specific facilities, machinery, devices, or equipment is not eligible for certification under this section.

(b) Requests for certification must be made on forms available from the department of revenue. Certification may not be granted unless the applicant is in substantial compliance with all applicable rules, laws, orders, or permit conditions. Certification remains in effect only as long as substantial compliance continues.

(c) The department of environmental quality shall promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify air and water pollution control and carbon capture equipment for certification and compliance. The department of revenue shall promulgate rules pertaining to the valuation of qualifying air and water pollution control and carbon capture equipment. The department of environmental quality shall identify and track compliance in the use of certified air and water pollution control and carbon capture equipment and report continuous acts or patterns of noncompliance at a facility to the department of revenue. Casual or isolated incidents of noncompliance at a facility do not affect certification.

(d) To qualify for the exemption under subsection (3)(b)(i), the air and water pollution control and carbon capture equipment must be placed into service after January 1, 2014, for the purposes of environmental benefit or to comply with state or federal pollution control regulations. If the air or water pollution

control and carbon capture equipment enhances the performance of existing air and water pollution control and carbon capture equipment, only the market value of the enhancement is subject to the exemption under subsection (3)(b)(i).

(e) Except as provided in subsection (2)(d), equipment that does not qualify for the exemption under subsection (3)(b)(i) includes but is not limited to equipment placed into service to maintain, replace, or repair equipment installed on or before January 1, 2014.

(f) A person may appeal the certification, classification, and valuation of the property to the Montana tax appeal board. Appeals on the property certification must name the department of environmental quality as the respondent, and appeals on the classification or valuation of the equipment must name the department of revenue as the respondent.

(3) (a) Except as provided in subsection (3)(b), class five property is taxed at 3% of its market value.

(b) (i) Air and water pollution control and carbon capture equipment placed in service after January 1, 2014, and that satisfies the criteria in subsection (2)(d) is exempt from taxation.

(ii) (A) Except as provided in subsection (3)(b)(ii)(B), fiber optic or coaxial cable, as defined in 15-6-156, installed and placed in service on or after July 1, 2021, *and wireless infrastructure, as defined in 15-6-156, placed in service on or after [the effective date of this act]* is exempt from taxation for a period of 5 years starting from the date the fiber optic or coaxial cable *or wireless infrastructure* was placed in service, after which the property exemption is phased out at a rate of 20% a year, with the property being assessed at 100% of its taxable value after a 10-year period. In order to maintain the exemption, the owner of fiber optic or coaxial cable *or wireless infrastructure* shall reinvest the tax savings from the exemption by installing and placing in service new fiber optic or coaxial cable *or wireless infrastructure* in Montana within 2 years from the date the owner first claimed the exemption provided for in this subsection (3)(b)(ii) without charging those costs to the consumer. The cost of installing or placing into service fiber optic or coaxial cable *or wireless infrastructure* with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive.

(B) Fiber optic or coaxial cable installed using federal funds received pursuant to section 9901 of the American Rescue Plan Act is not eligible for exemption from taxation under this section.

(C) An entity that claims a tax exemption under this subsection (3)(b)(ii) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable *or wireless infrastructure* in Montana. The property owners shall make those records available to the department for inspection upon request.

(4) (a) The property taxes exempted from taxation by subsection (3)(b)(ii) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable *or wireless infrastructure* in Montana as provided in subsection (3)(b)(ii) or otherwise violates the provisions of this section.

(b) Upon notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of subsection (3)(b)(ii) was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.

(c) The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

Section 2. Section 15-6-156, MCA, is amended to read:

"**15-6-156. Class thirteen property -- description -- taxable percentage.** (1) Except as provided in subsections (2)(a) through (2)(i), class thirteen property includes:

(a) electrical generation facilities, except wind generation facilities, biomass generation facilities, and energy storage facilities classified under 15-6-157, of a centrally assessed electric power company;

(b) electrical generation facilities, except wind generation facilities, biomass generation facilities, and energy storage facilities classified under 15-6-157, owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to 42 U.S.C. 16451;

(c) noncentrally assessed electrical generation facilities, except wind generation facilities, biomass generation facilities, and energy storage facilities classified under 15-6-157, owned or operated by any electrical energy producer;

(d) allocations of centrally assessed telecommunications services companies; and

(e) dedicated communications infrastructure described in 15-6-162(5) for which construction commenced after June 30, 2027, or for which the 15-year period provided for in 15-6-162(5)(c) has expired.

(2) Class thirteen property does not include:

(a) property owned by cooperative rural electric cooperative associations classified under 15-6-135;

(b) property owned by cooperative rural electric cooperative associations classified under 15-6-137 or 15-6-157;

(c) allocations of electric power company property under 15-6-141;

(d) electrical generation facilities included in another class of property;

(e) property owned by cooperative rural telephone associations and classified under 15-6-135;

(f) property owned by organizations providing telecommunications services and classified under 15-6-135;

(g) generation facilities that are exempt under 15-6-225;

(h) qualified data centers classified under 15-6-162; and

(i) property classified under 15-6-163.

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

(a) (i) "Electrical generation facilities" means any combination of a physically connected generator or generators, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power. The term includes but is not limited to generating facilities that produce electricity from coal-fired steam turbines, oil or gas turbines, turbine generators that are driven by falling water, or solar panel systems.

(ii) The term does not include electrical generation facilities used for noncommercial purposes or exclusively for agricultural purposes.

(iii) (A) The term also does not include a qualifying facility certified by the federal energy regulatory commission.

(B) To qualify for consideration of an abatement as allowed in 15-24-1402, the requesting entity must disclose, in writing, its intent to request certification as a qualifying facility to the governing body.

(C) If the intent is not disclosed and an abatement granted, abatement may be rescinded by the governing body.

(D) Certified qualifying facilities are classified under 15-6-134 and 15-6-138.

(iv) The term also does not include a facility that is owned and operated by a person not primarily engaged in the generation or sale of electricity other than power from a small power production facility and classified under 15-6-134 and 15-6-138.

(b) (i) "Fiber optic or coaxial cable" means any fiber optic or coaxial cable, including all capitalized costs associated with installing and placing in service the fiber optic or coaxial cable, and other property that is normally operated when installing and placing in service fiber optic or coaxial cable to deliver digital communication and access to the internet.

(ii) The term does not include routers, head-end equipment, central office equipment and other electronics, or hardware or software not directly associated with installing and placing in service fiber optic or coaxial cable or the buildings used to house equipment.

(c) (i) "Wireless infrastructure" means signal transmission facilities and associated network equipment, including all capitalized costs associated with installing and placing these facilities and network equipment in service, together with other property that is directly associated with providing wireless service to customers and which includes power equipment, cables, lines, radios, antennas, transceivers, shelters, and towers.

(ii) The term does not include central office equipment and other electronics or hardware or software not directly associated with installing and placing wireless infrastructure into service.

(4) (a) Except as provided in subsection (4)(b), class thirteen property is taxed at 6% of its market value.

(b) (i) Except as provided in subsection (4)(b)(ii), fiber optic or coaxial cable installed and placed in service on or after July 1, 2021, *and wireless infrastructure placed in service on or after [the effective date of this act]* is exempt from taxation for a period of 5 years starting from the date the fiber optic or coaxial cable *or wireless infrastructure* was placed in service, after which the property exemption is phased out at a rate of 20% a year, with the property being assessed at 100% of its taxable value after a 10-year period. In order to maintain the exemption, the owner of fiber optic or coaxial cable *or wireless infrastructure* shall reinvest the tax savings from the exemption by installing and placing in service new fiber optic or coaxial cable *or wireless infrastructure* in Montana within 2 years from the date the owner first claimed the exemption provided for in this subsection (4)(b) without charging those costs to the consumer. The cost of installing or placing into service fiber optic or coaxial cable *or wireless infrastructure* with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive.

(ii) Fiber optic or coaxial cable installed using federal funds received pursuant to Section 9901 of the American Rescue Plan Act is not eligible for exemption from taxation under this section.

(iii) An entity that claims a tax exemption under this subsection (4)(b) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable *or wireless infrastructure* in Montana. The property owners shall make those records available to the department for inspection upon request.

(5) (a) The property taxes exempted from taxation by subsection (4)(b) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable *or wireless infrastructure* in Montana as provided in subsection (4)(b) or otherwise violates the provisions of this section.

(b) Upon notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of this section was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.

(c) The recapture of abated taxes may be cancelled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

Section 3. Section 15-6-219, MCA, is amended to read:

"**15-6-219. Personal and other property exemptions.** (1) The following categories of property are exempt from taxation:

(a) harness, saddlery, and other tack equipment;

(b) the first $15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(i) construct, repair, and maintain improvements to real property; or

(ii) repair and maintain machinery, equipment, appliances, or other personal property;

(c) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(d) a bicycle or a moped, as defined in 61-8-102, used by the owner for personal transportation purposes;

(e) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(i) the acquired cost of the personal property is less than $15,000;

(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(iii) the lease of the personal property is generally on an hourly, daily, weekly, semimonthly, or monthly basis;

(f) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(g) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(h) air and water pollution control and carbon capture equipment, as defined in 15-6-135, placed in service after January 1, 2014;

(i) a housetrailer, manufactured home, or mobile home that receives an exemption from the department based on abandonment, as provided in 15-6-242; and

(j) fiber optic or coaxial cable, as defined in 15-6-156, installed and placed in service on or after July 1, 2021, *and wireless infrastructure, as defined in 15-6-156, placed in service on or after [the effective date of this act]* for a period of 5 years starting from the date placed in service as provided in 15-6-156, if the owner of fiber optic or coaxial cable *or wireless infrastructure* reinvests the tax savings from the exemption by installing and placing in service new fiber optic or coaxial cable *or wireless infrastructure* in Montana within 2 years from

the date the owner first claimed the exemption provided for in this subsection (1)(j) without charging those costs to the consumer. The cost of installing or placing into service fiber optic or coaxial cable *or wireless infrastructure* with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive. An entity that claims a tax exemption under this subsection (1)(j) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable *or wireless infrastructure* in Montana. The property owners shall make those records available to the department for inspection upon request.

(2) (a) The property taxes exempted from taxation by subsection (1)(j) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable *or wireless infrastructure* in Montana as provided for in subsection (1)(j) or otherwise violates the provisions of this section.

(b) Upon notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of this section was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.

(c) The recapture of abated taxes may be cancelled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

Section 4. Section 15-6-243, MCA, is amended to read:

"**15-6-243. Fiber optic or coaxial cable abatement -- *wireless infrastructure abatement* -- review and comment by local taxing jurisdictions.** The department shall establish a page on its website to enable:

(1) owners of fiber optic or coaxial cable *or wireless infrastructure* intending to take advantage of the tax abatement provisions in 15-6-135, 15-6-156, and 15-6-219 to notify local governing bodies of the location or locations in which they intend to place in service fiber optic or coaxial cable *or wireless infrastructure*; and

(2) local governing bodies to post comments on such projects identified by owners of fiber optic or coaxial cable *or wireless infrastructure* as provided in subsection (1)."

Section 5. Effective date. [This act] is effective July 1, 2025.

Section 6. Applicability. [This act] applies to fiber optic or coaxial cable and wireless infrastructure placed in service on or after [the effective date of this act].

Approved May 12, 2025

CHAPTER NO. 621

[SB 535]

AN ACT REVISING LAWS RELATED TO EXPERIMENTAL TREATMENTS; PROVIDING FOR LICENSING OF EXPERIMENTAL TREATMENT CENTERS; AMENDING THE RIGHT TO TRY ACT; ESTABLISHING A HEALTH FREEDOM AND ACCESS REQUIREMENT FOR EXPERIMENTAL TREATMENT CENTERS; ESTABLISHING THE INSURANCE PREMIUM SUPPORT ACCOUNT AND RELATED STRUCTURE; PROVIDING

DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING DEFINITIONS; AMENDING SECTIONS 33-1-102, 50-5-101, 50-12-102, 50-12-103, 50-12-104, 50-12-105, 50-12-106, 50-12-107, 50-12-108, AND 50-12-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Licensure of experimental treatment centers -- fees -- rulemaking. (1) (a) The department shall adopt procedures for licensing experimental treatment centers. A person may not operate an experimental treatment center without a license. The application for a license must include:

(i) the name and address of the applicant;

(ii) the location of the experimental treatment center;

(iii) the name of the person or persons who will manage or supervise the experimental treatment center;

(iv) how the experimental treatment center will fulfill the health freedom and access requirement provided in [section 2]; and

(iv) other information required by the department by rule.

(b) The department shall approve or deny the application within 90 calendar days after receiving a complete application.

(2) The department shall adopt administrative rules for licensure, including but not limited to rules establishing:

(a) minimum operational standards;

(b) the creation of written policies and procedures;

(c) oversight mechanisms;

(d) facility inspections;

(e) facility safety standards; and

(f) data collection and quality assurance systems, including outcome monitoring and adverse event reporting.

(3) (a) The fee to process an application for an experimental treatment center is $10,000 to assist with administrative processing costs.

(b) The annual renewal fee is $5,000.

Section 2. Health freedom and access requirement. (1) A licensed experimental treatment center shall allocate 2% of its net annual profits to support access to experimental treatments and health care for qualifying Montana residents. This allocation must be documented on a form provided by the department and submitted by February 1 of each year.

(2) The health freedom and access requirement prescribed in subsection (1) may be fulfilled by:

(a) providing free experimental treatment, as that term is defined in 50-12-102, to qualifying Montana residents in an amount that is equal to at least 2% of the center's net annual profits; or

(b) contributing 2% of the center's net annual profits into the insurance premium support account established in [section 3].

(3) The department shall develop policies and procedures, including application and reimbursement processes, to:

(a) determine who are qualifying Montana residents for the purpose of implementing this section; and

(b) support requests by Montana residents for the provision of experimental treatments at experimental treatment centers under this section.

Section 3. Insurance premium support account -- contributions -- nonsupplantation of funds -- reporting. (1) There is an insurance premium support account in the state special revenue fund in the state treasury. The money in the account is allocated to the department of public

health and human services to fund health insurance premiums for Montana residents who:

(a) purchase health insurance on the federal health insurance marketplace; and

(b) have an income between 139% and 400% of the federal poverty level.

(2) The department of public health and human services may accept contributions from experimental treatment centers as provided for in [section 2]. Contributions must be deposited into the insurance premium support account.

(3) Funds deposited in the insurance premium support account may be used only for the purpose authorized in subsection (1) and may not be used to pay the expenses of any other program or service administered in whole or in part by the department of public health and human services or any other state government entity.

(4) By September 1 of each year, the department of public health and human services shall provide a written report detailing the use of funds in the insurance premium support account to the children, families, health, and human services interim committee in accordance with 5-11-210.

Section 4. Section 33-1-102, MCA, is amended to read:

"**33-1-102. Compliance required -- exceptions -- health service corporations -- health maintenance organizations -- governmental insurance programs -- service contracts.** (1) A person may not transact a business of insurance in Montana or a business relative to a subject resident, located, or to be performed in Montana without complying with the applicable provisions of this code.

(2) The provisions of this code do not apply with respect to:

(a) domestic farm mutual insurers as identified in chapter 4, except as stated in chapter 4;

(b) domestic benevolent associations as identified in chapter 6, except as stated in chapter 6; ~~and~~

(c) fraternal benefit societies, except as stated in chapter 7*; and*

(d) direct agreements between a health care provider or health care facility as defined in 50-12-102 and a patient for the provision of an experimental treatment or services related to the provision of an experimental treatment.

(3) This code applies to health service corporations as prescribed in 33-30-102. The existence of the corporations is governed by Title 35, chapter 2, and related sections of the Montana Code Annotated.

(4) This code does not apply to health maintenance organizations to the extent that the existence and operations of those organizations are governed by chapter 31.

(5) This code does not apply to workers' compensation insurance programs provided for in Title 39, chapter 71, part 21, and related sections.

(6) The department of public health and human services may limit the amount, scope, and duration of services for programs established under Title 53 that are provided under contract by entities subject to this title. The department of public health and human services may establish more restrictive eligibility requirements and fewer services than may be required by this title.

(7) This code does not apply to the state employee group insurance program established in Title 2, chapter 18, part 8, or the Montana university system group benefits plans established in Title 20, chapter 25, part 13.

(8) This code does not apply to insurance funded through the state self-insurance reserve fund provided for in 2-9-202.

(9) (a) Except as otherwise provided in Title 33, chapters 22 and 28, this code does not apply to any arrangement, plan, or interlocal agreement

between political subdivisions of this state in which the political subdivisions undertake to separately or jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan.

(b) Except as otherwise provided in Title 33, chapter 22, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state or any arrangement, plan, or program of a single political subdivision of this state in which the political subdivision provides to its officers, elected officials, or employees disability insurance or life insurance through a self-funded program.

(10) This code does not apply to the marketing of, sale of, offering for sale of, issuance of, making of, proposal to make, and administration of a service contract governed by Title 30, chapter 14, part 13.

(11) (a) Subject to 33-18-201 and 33-18-242, this code does not apply to insurance for ambulance services sold by a county, city, or town or to insurance sold by a third party if the county, city, or town is liable for the financial risk under the contract with the third party as provided in 7-34-103.

(b) If the financial risk for ambulance service insurance is with an entity other than the county, city, or town, the entity is subject to the provisions of this code.

(12) This code does not apply to the self-insured student health plan established in Title 20, chapter 25, part 14.

(13) Except as provided in 33-2-2212, this code does not apply to private air ambulance services that are in compliance with 50-6-320 and that solicit membership subscriptions, accept membership applications, charge membership fees, and provide air ambulance services to subscription members and designated members of their households.

(14) This code does not apply to guaranteed asset protection waivers that are governed by Title 30, chapter 14, part 22, or to vehicle theft protection products or vehicle theft protection product warranties that are governed by Title 30, chapter 14, part 13.

(15) This code does not apply to direct patient care agreements established pursuant to 50-4-107.

(16) This code does not apply to a health care sharing ministry that meets the requirements of 50-4-111.

(17) This code does not apply to a regulatory sandbox waiver, except as otherwise specified by the commissioner or as provided in 33-2-2501. (Subsection (17) terminates July 30, 2029--sec. 5, Ch. 546, L. 2023.)"

Section 5. Section 50-5-101, MCA, is amended to read:

"**50-5-101. Definitions.** As used in parts 1 through 3 of this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation" means a designation of approval.

(2) "Activities of daily living" means tasks usually performed in the course of a normal day in a resident's life that include eating, walking, mobility, dressing, grooming, bathing, toileting, and transferring.

(3) "Adult day-care center" means a facility, freestanding or connected to another health care facility, that provides adults, on a regularly scheduled basis, with the care necessary to meet the needs of daily living but that does not provide overnight care.

(4) (a) "Adult foster care home" means a private home or other facility that offers, except as provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager.

(b) As used in this subsection (4), the following definitions apply:

(i) "Aged person" means a person as defined by department rule as aged.

(ii) "Custodial care" means providing a sheltered, family-type setting for an aged person or disabled adult so as to provide for the person's basic needs of food and shelter and to ensure that a specific person is available to meet those basic needs.

(iii) "Disabled adult" means a person who is 18 years of age or older and who is defined by department rule as disabled.

(iv) (A) "Light personal care" means assisting the aged person or disabled adult in accomplishing such personal hygiene tasks as bathing, dressing, and hair grooming and supervision of prescriptive medicine administration.

(B) The term does not include the administration of prescriptive medications.

(5) "Affected person" means an applicant for a certificate of need, a long-term care facility located in the geographic area affected by the application, an agency that establishes rates for long-term care facilities, or a third-party payer who reimburses long-term care facilities in the area affected by the proposal.

(6) "Assisted living facility" means a congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services.

(7) "Capital expenditure" means:

(a) an expenditure made by or on behalf of a long-term care facility that, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance; or

(b) a lease, donation, or comparable arrangement that would be a capital expenditure if money or any other property of value had changed hands.

(8) "Certificate of need" means a written authorization by the department for a person to proceed with a proposal subject to 50-5-301.

(9) "Chemical dependency facility" means a facility whose function is the treatment, rehabilitation, and prevention of the use of any chemical substance, including alcohol, that creates behavioral or health problems and endangers the health, interpersonal relationships, or economic function of an individual or the public health, welfare, or safety.

(10) "Clinical laboratory" means a facility for the microbiological, serological, chemical, hematological, radiobioassay, cytological, immunohematological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of a disease or assessment of a medical condition.

(11) "Comparative review" means a joint review of two or more certificate of need applications that are determined by the department to be competitive in that the granting of a certificate of need to one of the applicants would substantially prejudice the department's review of the other applications.

(12) "Congregate" means the provision of group services designed especially for elderly or disabled persons who require supportive services and housing.

(13) "Construction" means the physical erection of a new health care facility and any stage of the physical erection, including groundbreaking, or remodeling, replacement, or renovation of:

(a) an existing health care facility; or

(b) a long-term care facility as defined in 50-5-301.

(14) "Critical access hospital" means a facility that is located in a rural area, as defined in 42 U.S.C. 1395ww(d)(2)(D), and that has been designated by the department as a critical access hospital pursuant to 50-5-233.

(15) "Department" means the department of public health and human services provided for in 2-15-2201.

(16) "Eating disorder center" means a facility that specializes in the treatment of eating disorders.

(17) "End-stage renal dialysis facility" means a facility that specializes in the treatment of kidney diseases and includes freestanding hemodialysis units.

(18) "Experimental treatment center" means a facility that specializes in providing experimental treatments pursuant to Title 50, chapter 12, part 1.

~~(18)~~*(19)* "Federal acts" means federal statutes for the construction of health care facilities.

~~(19)~~*(20)* "Governmental unit" means the state, a state agency, a county, municipality, or political subdivision of the state, or an agency of a political subdivision.

~~(20)~~*(21)* (a) "Health care facility" or "facility" means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes abortion clinics as defined in 50-20-901, chemical dependency facilities, critical access hospitals, eating disorder centers, end-stage renal dialysis facilities, *experimental treatment centers,* home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, residential treatment facilities, and rural emergency hospitals.

(b) The term does not include offices of private physicians, dentists, or other physical or mental health care workers regulated under Title 37, including licensed addiction counselors.

~~(21)~~*(22)* "Home health agency" means a public agency or private organization or subdivision of the agency or organization that is engaged in providing home health services to individuals in the places where they live. Home health services must include the services of a licensed registered nurse and at least one other therapeutic service and may include additional support services.

~~(22)~~*(23)* "Home infusion therapy agency" means a health care facility that provides home infusion therapy services.

~~(23)~~*(24)* "Home infusion therapy services" means the preparation, administration, or furnishing of parenteral medications or parenteral or enteral nutritional services to an individual in that individual's residence. The services include an educational component for the patient, the patient's caregiver, or the patient's family member.

~~(24)~~*(25)* "Hospice" means a coordinated program of home and inpatient health care that provides or coordinates palliative and supportive care to meet the needs of a terminally ill patient and the patient's family arising out of physical, psychological, spiritual, social, and economic stresses experienced during the final stages of illness and dying and that includes formal bereavement programs as an essential component. The term includes:

(a) an inpatient hospice facility, which is a facility managed directly by a medicare-certified hospice that meets all medicare certification regulations for freestanding inpatient hospice facilities; and

(b) a residential hospice facility, which is a facility managed directly by a licensed hospice program that can house three or more hospice patients.

~~(25)~~*(26)* (a) "Hospital" means a facility providing, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals. Except as otherwise provided by law, services provided must include medical personnel available to provide emergency care onsite 24 hours a day and may include any

other service allowed by state licensing authority. A hospital has an organized medical staff that is on call and available within 20 minutes, 24 hours a day, 7 days a week, and provides 24-hour nursing care by licensed registered nurses. The term includes:

(i) hospitals specializing in providing health services for psychiatric, developmentally disabled, and tubercular patients; and

(ii) specialty hospitals.

(b) The term does not include critical access hospitals.

(c) The emergency care requirement for a hospital that specializes in providing health services for psychiatric, developmentally disabled, or tubercular patients is satisfied if the emergency care is provided within the scope of the specialized services provided by the hospital and by providing 24-hour nursing care by licensed registered nurses.

~~(26)~~*(27)* "Infirmary" means a facility located in a university, college, government institution, or industry for the treatment of the sick or injured, with the following subdefinitions:

(a) an "infirmary--A" provides outpatient and inpatient care;

(b) an "infirmary--B" provides outpatient care only.

~~(27)~~*(28)* (a) "Intermediate care facility for the developmentally disabled" means a facility or part of a facility that provides intermediate developmental disability care for two or more persons.

(b) The term does not include community homes for persons with developmental disabilities that are licensed under 53-20-305 or community homes for persons with severe disabilities that are licensed under 52-4-203.

~~(28)~~*(29)* "Intermediate developmental disability care" means the provision of intermediate nursing care services, health-related services, and social services for persons with a developmental disability, as defined in 53-20-102, or for persons with related problems.

~~(29)~~*(30)* "Intermediate nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed nurse to patients not requiring 24-hour nursing care.

~~(30)~~*(31)* "Licensed health care professional" means a licensed physician, physician assistant, advanced practice registered nurse, or registered nurse who is practicing within the scope of the license issued by the department of labor and industry.

~~(31)~~*(32)* (a) "Long-term care facility" means a facility or part of a facility that provides skilled nursing care, residential care, intermediate nursing care, or intermediate developmental disability care to a total of two or more individuals or that provides personal care.

(b) The term does not include community homes for persons with developmental disabilities licensed under 53-20-305; community homes for persons with severe disabilities, licensed under 52-4-203; youth care facilities, licensed under 52-2-622; hotels, motels, boardinghouses, roominghouses, or similar accommodations providing for transients, students, or individuals who do not require institutional health care; or correctional facilities operating under the authority of the department of corrections.

~~(32)~~*(33)* "Medical assistance facility" means a facility that meets both of the following:

(a) provides inpatient care to ill or injured individuals before their transportation to a hospital or that provides inpatient medical care to individuals needing that care for a period of no longer than 96 hours unless a longer period is required because transfer to a hospital is precluded because of inclement weather or emergency conditions. The department or its designee may, upon request, waive the 96-hour restriction retroactively and on a

case-by-case basis if the individual's attending physician, physician assistant, or nurse practitioner determines that the transfer is medically inappropriate and would jeopardize the health and safety of the individual.

(b) either is located in a county with fewer than six residents a square mile or is located more than 35 road miles from the nearest hospital.

~~(33)~~*(34)* "Mental health center" means a facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients, the rehabilitation of mentally ill individuals, or any combination of these services.

~~(34)~~*(35)* "Nonprofit health care facility" means a health care facility owned or operated by one or more nonprofit corporations or associations.

~~(35)~~*(36)* "Offer" means the representation by a health care facility that it can provide specific health services.

~~(36)~~*(37)* (a) "Outdoor behavioral program" means a program that provides treatment, rehabilitation, and prevention for behavioral problems that endanger the health, interpersonal relationships, or educational functions of a youth and that:

(i) serves either adjudicated or nonadjudicated youth;

(ii) charges a fee for its services; and

(iii) provides all or part of its services in the outdoors.

(b) "Outdoor behavioral program" does not include recreational programs such as boy scouts, girl scouts, 4-H clubs, or other similar organizations.

~~(37)~~*(38)* "Outpatient center for primary care" means a facility that provides, under the direction of a licensed physician, either diagnosis or treatment, or both, to ambulatory patients and that is not an outpatient center for surgical services.

~~(38)~~*(39)* "Outpatient center for surgical services" means a clinic, infirmary, or other institution or organization that is specifically designed and operated to provide surgical services to patients not requiring hospitalization and that may include recovery care beds.

~~(39)~~*(40)* "Patient" means an individual obtaining services, including skilled nursing care, from a health care facility.

~~(40)~~*(41)* "Person" means an individual, firm, partnership, association, organization, agency, institution, corporation, trust, estate, or governmental unit, whether organized for profit or not.

~~(41)~~*(42)* "Personal care" means the provision of services and care for residents who need some assistance in performing the activities of daily living.

~~(42)~~*(43)* "Practitioner" means an individual licensed by the department of labor and industry who has assessment, admission, and prescription authority.

~~(43)~~*(44)* "Recovery care bed" means, except as provided in 50-5-235, a bed occupied for less than 24 hours by a patient recovering from surgery or other treatment.

~~(44)~~*(45)* "Rehabilitation facility" means a facility that is operated for the primary purpose of assisting in the rehabilitation of disabled individuals by providing comprehensive medical evaluations and services, psychological and social services, or vocational evaluation and training or any combination of these services and in which the major portion of the services is furnished within the facility.

~~(45)~~*(46)* "Resident" means an individual who is in a long-term care facility or in a residential care facility.

~~(46)~~*(47)* "Residential care facility" means an adult day-care center, an adult foster care home, an assisted living facility, or a retirement home.

~~(47)~~*(48)* "Residential psychiatric care" means active psychiatric treatment provided in a residential treatment facility to psychiatrically impaired

individuals with persistent patterns of emotional, psychological, or behavioral dysfunction of such severity as to require 24-hour supervised care to adequately treat or remedy the individual's condition. Residential psychiatric care must be individualized and designed to achieve the patient's discharge to less restrictive levels of care at the earliest possible time.

~~(48)~~*(49)* "Residential treatment facility" means a facility operated for the primary purpose of providing residential psychiatric care to individuals under 21 years of age.

~~(49)~~*(50)* "Retirement home" means a building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence.

~~(50)~~*(51)* "Rural emergency hospital" means a facility defined in 42 U.S.C. 1395x(kkk)(2) that is designated by the department as a rural emergency hospital in accordance with 50-5-234.

~~(51)~~*(52)* "Skilled nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed registered nurse on a 24-hour basis.

~~(52)~~*(53)* (a) "Specialty hospital" means a subclass of hospital that is exclusively engaged in the diagnosis, care, or treatment of one or more of the following categories:

(i) patients with a cardiac condition;

(ii) patients with an orthopedic condition;

(iii) patients undergoing a surgical procedure; or

(iv) patients treated for cancer-related diseases and receiving oncology services.

(b) For purposes of this subsection ~~(52)~~ *(53)*, a specialty hospital may provide other services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals as otherwise provided by law if the care encompasses 35% or less of the hospital services.

(c) The term "specialty hospital" does not include:

(i) psychiatric hospitals;

(ii) rehabilitation hospitals;

(iii) children's hospitals;

(iv) long-term care hospitals; or

(v) critical access hospitals.

~~(53)~~*(54)* "State long-term care facilities plan" means the plan prepared by the department to project the need for long-term care facilities within Montana and approved by the governor and a statewide health coordinating council appointed by the director of the department.

~~(54)~~*(55)* "Swing bed" means a bed approved pursuant to 42 U.S.C. 1395tt to be used to provide either acute care or extended skilled nursing care to a patient."

Section 6. Section 50-12-102, MCA, is amended to read:

"**50-12-102. Definitions.** As used in this part, the following definitions apply:

(1) "Experimental treatment" means the provision of a medical intervention by a health care provider involving an investigational drug, biological product, device, or other treatment that has successfully completed phase 1 of a clinical trial but has not yet been approved for general use by the United States food and drug administration and either:

(a) remains under investigation in a clinical trial approved by the United States food and drug administration; or

(b) has a demonstrated safety record through documented clinical evidence from a qualified medical institution as defined by department rule.

(2) "Experimental treatment center" has the same meaning as provided in 50-5-101.

~~(1)~~*(3)* "Health care facility" has the *same* meaning *as* provided in 50-5-101. *The term includes an experimental treatment center.*

~~(2)~~*(4)* "Health care provider" means any of the following individuals licensed pursuant to Title 37:

(a) a physician;

(b) an advanced practice registered nurse authorized by the board of nursing to prescribe medicine; ~~and~~

(c) a physician assistant*; and*

(d) a registered nurse performing services at an experimental treatment center.

~~(3) "Investigational drug, biological product, or device" means a drug, biological product, or device that:~~

~~(a) has successfully completed phase 1 of a clinical trial but has not yet been approved for general use by the United States food and drug administration; and~~

~~(b) remains under investigation in a United States food and drug administration-approved clinical trial.~~

~~(4)~~*(5)* ~~"Written informed~~ *"Informed* consent" means ~~a written document~~ *written documentation or digital recordation* that meets the requirements of 50-12-105.

(6) "Provider agreement" means a contract authorizing a health care provider to deliver an experimental treatment, or services related to the provision of an experimental treatment, under the supervision of an experimental treatment center's medical director."

Section 7. Section 50-12-103, MCA, is amended to read:

"**50-12-103. Availability of experimental ~~drugs~~ *treatments.*** (1) A manufacturer*,* ~~of an investigational drug, biological product, or device~~ *health care provider, or health care facility* may make ~~the drug, product, or device~~ *an experimental treatment* available ~~to a patient who has requested the drug, product, or device pursuant to this part~~ *upon a patient's request*.

(2) The manufacturer*, health care provider, or health care facility* may:

(a) provide an ~~investigational drug, biological product, or device~~ *experimental treatment* to a patient without receiving compensation; or

(b) ~~require a patient to pay the costs of or the costs associated with the manufacture of the investigational drug, biological product, or device~~ *establish payment arrangements with a patient for an experimental treatment.*

(3) A manufacturer*, health care provider, or health care facility* is not required to make an ~~investigational drug, biological product, or device~~ *experimental treatment* available to a patient."

Section 8. Section 50-12-104, MCA, is amended to read:

"**50-12-104. Patient requirements.** A patient is eligible for *an experimental* treatment ~~with an investigational drug, biological product, or device~~ if the patient has:

(1) ~~considered all~~ *evaluated* other treatment options currently approved by the United States food and drug administration;

(2) received a recommendation from the patient's treating health care provider for an ~~investigational drug, biological product, or device~~ *experimental treatment*;

(3) given ~~written~~ informed consent for the use of the ~~investigational drug, biological product, or device~~ *experimental treatment*; and

(4) *received* documentation from the treating health care provider that the patient meets the requirements of this section."

Section 9. Section 50-12-105, MCA, is amended to read:

"**50-12-105. ~~Written informed~~ *Informed* consent required.** (1) A patient or a patient's legal guardian ~~must~~ *shall* provide ~~written~~ informed consent ~~for~~ *to receive an experimental* treatment ~~with an investigational drug, biological product, or device~~.

(2) At a minimum, the ~~written~~ informed consent must include:

(a) an explanation of the currently approved products*,* ~~and~~ treatments*, and services relevant to the patient's* ~~for the~~ disease*,* ~~or~~ condition*, or desired health outcomes* ~~from which the patient suffers~~;

(b) an attestation that the patient concurs with the treating health care provider in believing that ~~all~~ currently approved and conventionally recognized treatments are *either* unlikely to ~~improve the patient's condition~~ *achieve the patient's desired health outcomes or are otherwise impractically available*;

(c) clear identification of the specific ~~investigational drug, biological product, or device~~ *experimental treatment* that the patient is seeking to use;

(d) a description of the potentially best and worst outcomes of ~~using the investigational drug, biological product, or device~~ *receiving the experimental treatment* and a realistic description of the most likely outcome;

(e) a statement that the patient's health plan or third-party administrator and provider are not obligated to pay for any care or treatments consequent to the use of the ~~investigational drug, biological product, or device~~ *experimental treatment* unless they are specifically required to do so by law or contract;

(f) *as applied to patients potentially eligible for hospice care,* a statement that the patient's eligibility for hospice care may be withdrawn if the patient begins curative treatment with the ~~investigational drug, biological product, or device~~ *experimental treatment* and that hospice care may be reinstated if the treatment ends and the patient meets hospice eligibility requirements; ~~and~~

(g) a statement that the patient understands that the patient is liable for all expenses related to the use of the ~~investigational drug, biological product, or device~~ *experimental treatment* and that the liability for expenses extends to the patient's estate, unless a contract between the patient and the manufacturer*,* ~~of the drug, biological product, or device~~ *health care provider, or health care facility providing the experimental treatment* states otherwise*; and*

(h) a statement that the patient acknowledges that the experimental treatment cannot be used to assist with ending the patient's natural life.

~~(3) The description of potential outcomes required under subsection (2)(d) must:~~

~~(a) include the possibility that new, unanticipated, different, or worse symptoms might result; and~~

~~(b) be based on the treating health care provider's knowledge of the proposed treatment in conjunction with an awareness of the patient's condition.~~

~~(4)~~*(3)* The ~~written~~ informed consent must ~~be~~:

(a) *(i) be* signed by:

~~(i)~~*(A)* the patient;

~~(ii)~~*(B)* a parent or legal guardian, if the patient is a minor; or

~~(iii)~~*(C)* a legal guardian, if a guardian has been appointed pursuant to Title 72, chapter 5; and

~~(b)~~*(ii) be* attested to by the patient's treating health care provider and a witness*; or*

(b) include verified comprehension and consent through interactive discussions with the individuals set forth in subsection (3)(a) that have been recorded using audio, video, or any other digital platform.

(4) For transparency and quality purposesit is recommended that health care providers and health care facilities utilize the enhanced informed consent process set forth in subsection (3)(b)."

Section 10. Section 50-12-106, MCA, is amended to read:

"**50-12-106. Effect on insurance coverage and health care services.** (1) This part does not:

(a) expand the coverage required of an insurer under Title 33 or of the state or a local government under Title 2 or Title 53;

(b) affect the requirements for insurance coverage of routine patient costs for patients involved in approved cancer clinical trials pursuant to 2-18-704, 33-22-101, 33-22-153, 33-31-111, 33-35-306, 53-4-1005, or 53-6-101;

(c) require a health plan, third-party administrator, or governmental agency to pay costs associated with the use, care, or treatment of a patient with an ~~investigational drug, biological product, or device; or~~ *experimental treatment;*

(d) require a health care facility to provide new or additional services*; or*

(e) prevent health care facilities or health care providers from establishing payment requirements for experimental treatments and other services related to the provision of experimental treatments.

(2) A health plan, third-party administrator, or governmental agency may provide coverage for the cost of an ~~investigational drug, biological product, or device~~ *experimental treatment* or the cost of services related to the ~~use~~ *provision* of an ~~investigational drug, biological product, or device~~ *experimental treatment* under this part.

(3) A health care facility may approve the ~~use~~ *provision* of an ~~investigational drug, biological product, or device~~ *experimental treatment* in the health care facility.

(4) An experimental treatment center may enter into provider agreements and establish any payment arrangement, including digital and alternative currencies, with patients, providers, or third-party payers."

Section 11. Section 50-12-107, MCA, is amended to read:

"**50-12-107. Heirs not liable for payments.** If a patient dies while being treated with an ~~investigational drug, biological product, or device~~ *experimental treatment*, the patient's heirs are not liable for any outstanding debt related to the treatment or to a lack of insurance as a result of the treatment."

Section 12. Section 50-12-108, MCA, is amended to read:

"**50-12-108. Disciplinary action prohibited.** (1) A licensing board may not revoke, fail to renew, suspend, or take any action against a license issued under Title 37 to a health care provider based solely on the health care provider's recommendations to a patient regarding access to or *provision of an experimental* treatment ~~with an investigational drug, biological product, or device~~.

(2) The department of public health and human services may not take action against*:*

(a) a health care provider's medicare certification based solely on the health care provider's recommendation that a patient have access to an ~~investigational drug, biological product, or device~~ *experimental treatment; or*

(b) a health care facility's license based solely on the facility's recommendation to a patient regarding access to or the provision of an experimental treatment in accordance with this part."

Section 13. Section 50-12-109, MCA, is amended to read:

"**50-12-109. State action prohibited.** (1) An official, employee, or agent of the state ~~of Montana~~ may not block or attempt to block*:*

(a) a patient's access to an ~~investigational drug, biological product, or device~~ *experimental treatment; or*

(b) a health care facility's recommendation that a patient have access to, or the health care facility's provision of, an experimental treatment.

(2) ~~Counseling~~ *A health care provider's counseling*, advice, or ~~a~~ recommendation ~~consistent with medical standards of care from a licensed health care provider~~ *about treatment options, including experimental treatments,* is not a violation of this section."

Section 14. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 50, chapter 5, part 2, and the provisions of Title 50, chapter 5, part 2, apply to [sections 1 through 3].

Section 15. Effective date. [This act] is effective on passage and approval.

Approved May 12, 2025

CHAPTER NO. 622

[SB 545]

AN ACT ESTABLISHING THE DANNY L. RADISH HIGHWAY IN LINCOLN COUNTY; DIRECTING THE DEPARTMENT OF TRANSPORTATION TO INSTALL SIGNS AT THE LOCATION AND TO INCLUDE THE HIGHWAY ON THE NEXT PUBLICATION OF THE STATE HIGHWAY MAP; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Master Gunnery Sergeant Danny L. Radish was born on June 8, 1949, in Minot, North Dakota; and

WHEREAS, Master Gunnery Sergeant Danny L. Radish served in the United States Marine Corps with distinction; and

WHEREAS, Master Gunnery Sergeant Danny L. Radish received the Silver Star for conspicuous gallantry and intrepidity in action while serving with Marine Medium Helicopter Squadron Two Hundred Sixty-Two, Marine Aircraft Group Sixteen, First Marine Aircraft Wing, in connection with combat operations on February 12, 1970, in the Republic of Vietnam; and

WHEREAS, Master Gunnery Sergeant Danny L. Radish received the Navy and Marine Corps Medal for heroism while serving as crew chief aboard a CH-46E helicopter on the morning of November 15, 1982; and

WHEREAS, the Enlisted Aircrewman of the Year Award was established in honor of Master Gunnery Sergeant Danny L. Radish for the most outstanding contribution by a Marine enlisted aircrewman and is awarded annually; and

WHEREAS, Master Gunnery Sergeant Danny L. Radish has lived in Eureka, Montana, for decades; and

WHEREAS, Master Gunnery Sergeant Danny L. Radish served as the safety director of the mill in Eureka; and

WHEREAS, Master Gunnery Sergeant Danny L. Radish is a respected member of the Eureka community; and

WHEREAS, the 69th Legislature of the State of Montana honors Master Gunnery Sergeant Danny L. Radish for his service to our country.

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

Section 1. Danny L. Radish highway. (1) There is established the Danny L. Radish highway on highway 37 from mile marker 63.6 to mile marker 66.8 in Lincoln County.

(2) The department shall design and install appropriate signs marking the location of the Danny L. Radish highway.

(3) Maps that identify roadways in the state must be updated to include the location of the Danny L. Radish highway when the department updates and publishes the state maps.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 60, chapter 1, part 2, and the provisions of Title 60, chapter 1, part 2, apply to [section 1].

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

Approved May 12, 2025

CHAPTER NO. 623

[SB 550]

AN ACT REVISING CLASS FIVE PROPERTY TO INCLUDE CERTAIN TELECOMMUNICATIONS PROPERTY; AMENDING SECTION 15-6-135, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Section 15-6-135, MCA, is amended to read:

"**15-6-135. Class five property -- description -- taxable percentage -- exemption.** (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in 15-6-137(1)(a);

(b) air and water pollution control and carbon capture equipment as defined in this section;

(c) any personal or real property used primarily in the production of ethanol-blended gasoline during construction and for the first 3 years of its operation;

(d) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development;

(e) machinery and equipment used in electrolytic reduction facilities; and

(f) all property used and owned by persons, firms, corporations, or other organizations that*:*

(i) are engaged in the business of furnishing telecommunications services exclusively to rural areas or to rural areas and cities and towns of 1,200 permanent residents or less*; or*

(ii) furnish telecommunications services in or own property in not more than three counties.

(2) (a) "Air and water pollution control and carbon capture equipment" means that portion of identifiable property, facilities, machinery, devices, or equipment certified as provided in subsections (2)(b) and (2)(c) and designed, constructed, under construction, or operated for removing, disposing, abating, treating, eliminating, destroying, neutralizing, stabilizing, rendering inert, storing, or preventing the creation of air or water pollutants that, except for the use of the item, would be released to the environment. This includes machinery, devices, or equipment used to capture carbon dioxide or other greenhouse gases. Reduction in pollutants obtained through operational techniques without specific facilities, machinery, devices, or equipment is not eligible for certification under this section.

(b) Requests for certification must be made on forms available from the department of revenue. Certification may not be granted unless the applicant is in substantial compliance with all applicable rules, laws, orders, or permit conditions. Certification remains in effect only as long as substantial compliance continues.

(c) The department of environmental quality shall promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify air and water pollution control and carbon capture equipment for certification and compliance. The department of revenue shall promulgate rules pertaining to the valuation of qualifying air and water pollution control and carbon capture equipment. The department of environmental quality shall identify and track compliance in the use of certified air and water pollution control and carbon capture equipment and report continuous acts or patterns of noncompliance at a facility to the department of revenue. Casual or isolated incidents of noncompliance at a facility do not affect certification.

(d) To qualify for the exemption under subsection (3)(b)(i), the air and water pollution control and carbon capture equipment must be placed into service after January 1, 2014, for the purposes of environmental benefit or to comply with state or federal pollution control regulations. If the air or water pollution control and carbon capture equipment enhances the performance of existing air and water pollution control and carbon capture equipment, only the market value of the enhancement is subject to the exemption under subsection (3)(b)(i).

(e) Except as provided in subsection (2)(d), equipment that does not qualify for the exemption under subsection (3)(b)(i) includes but is not limited to equipment placed into service to maintain, replace, or repair equipment installed on or before January 1, 2014.

(f) A person may appeal the certification, classification, and valuation of the property to the Montana tax appeal board. Appeals on the property certification must name the department of environmental quality as the respondent, and appeals on the classification or valuation of the equipment must name the department of revenue as the respondent.

(3) (a) Except as provided in subsection (3)(b), class five property is taxed at 3% of its market value.

(b) (i) Air and water pollution control and carbon capture equipment placed in service after January 1, 2014, and that satisfies the criteria in subsection (2)(d) is exempt from taxation.

(ii) (A) Except as provided in subsection (3)(b)(ii)(B), fiber optic or coaxial cable, as defined in 15-6-156, installed and placed in service on or after July 1, 2021, is exempt from taxation for a period of 5 years starting from the date the fiber optic or coaxial cable was placed in service, after which the property exemption is phased out at a rate of 20% a year, with the property being assessed at 100% of its taxable value after a 10-year period. In order to maintain the exemption, the owner of fiber optic or coaxial cable shall reinvest the tax savings from the exemption by installing and placing in service new fiber optic or coaxial cable in Montana within 2 years from the date the owner first claimed the exemption provided for in this subsection (3)(b)(ii) without charging those costs to the consumer. The cost of installing or placing into service fiber optic or coaxial cable with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive.

(B) Fiber optic or coaxial cable installed using federal funds received pursuant to section 9901 of the American Rescue Plan Act is not eligible for exemption from taxation under this section.

(C) An entity that claims a tax exemption under this subsection (3)(b)(ii) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable in Montana. The property owners shall make those records available to the department for inspection upon request.

(4) (a) The property taxes exempted from taxation by subsection (3)(b)(ii) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable in Montana as provided in subsection (3)(b)(ii) or otherwise violates the provisions of this section.

(b) Upon notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of subsection (3)(b)(ii) was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.

(c) The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

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

Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2024.

Approved May 12, 2025

CHAPTER NO. 624

[SB 552]

AN ACT PROVIDING THAT A PETITION TO TRANSFER MAY BE FILED BY A COUNTY ATTORNEY IF AN OFFENDER PREVIOUSLY SENTENCED FOR A FELONY WHO RECEIVED A SUSPENDED OR DEFERRED SENTENCE IN ONE COUNTY IS CHARGED WITH ANOTHER FELONY IN A DIFFERENT COUNTY SO THAT BOTH CASES CAN BE FILED IN THE COUNTY WHERE THE SECOND FELONY CASE IS ALLEGED TO HAVE OCCURRED; PROVIDING A FILING FEE; AND AMENDING SECTIONS 46-18-203 AND 46-23-1011, MCA.

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

Section 1. Section 46-18-203, MCA, is amended to read:

"**46-18-203. Revocation of suspended or deferred sentence.** (1) ~~Upon~~ *On* the filing of a petition for revocation showing probable cause that the offender has violated any condition of a sentence, any condition of a deferred imposition of sentence, or any condition of supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-625(4), or 45-5-711, the judge may issue an order for a hearing on revocation. The order must require the offender to appear at a specified time and place for the hearing and be served by delivering a copy of the petition and order to the offender personally. The judge may also issue an arrest warrant directing any peace officer or a probation and parole officer to arrest the offender and bring the offender before the court.

(2) The petition for a revocation must be filed with the sentencing court *or with a court as provided in subsection (3)* either before the period of suspension or deferral has begun or during the period of suspension or deferral but not after the period has expired. Expiration of the period of suspension or deferral after the petition is filed does not deprive the court of its jurisdiction to rule on the petition.

(3) A county attorney in a county where the defendant is alleged to have committed a new felony offense may petition the sentencing court in a county where the defendant was sentenced to a suspended or deferred sentence in a prior felony conviction to transfer the matter to the county where the new felony is alleged to have been committed for revocation of the prior suspended or deferred sentence. The petition must be served on the county attorney in the original sentencing county, the sentencing judge in the sentencing jurisdiction of the prior felony conviction, any victims, and the defendant.

~~(3)~~*(4)* The provisions pertaining to bail, as set forth in Title 46, chapter 9, are applicable to persons arrested pursuant to this section.

~~(4)~~*(5)* Without unnecessary delay and no more than 60 days after arrest, the offender must be brought before the judge, and at least 10 days prior to the hearing the offender must be advised of:

(a) the allegations of the petition;

(b) the opportunity to appear and to present evidence in the offender's own behalf;

(c) the opportunity to question adverse witnesses; and

(d) the right to be represented by counsel at the revocation hearing pursuant to Title 46, chapter 8, part 1.

~~(5)~~*(6)* A hearing is required before a suspended or deferred sentence can be revoked or the terms or conditions of the sentence can be modified unless:

(a) the offender admits the allegations and waives the right to a hearing; or

(b) the relief to be granted is favorable to the offender and the prosecutor, after having been given notice of the proposed relief and a reasonable opportunity to object, has not objected. An extension of the term of probation is not favorable to the offender for the purposes of this subsection ~~(5)(b)~~ *(6)(b)*.

~~(6)~~*(7)* (a) At the hearing, the prosecution shall prove, by a preponderance of the evidence, that there has been a violation of:

(i) the terms and conditions of the suspended or deferred sentence; or

(ii) a condition of supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-625(4), or 45-5-711.

(b) However, when a failure to pay restitution is the basis for the petition, the offender may excuse the violation by showing sufficient evidence that the failure to pay restitution was not attributable to a failure on the offender's part to make a good faith effort to obtain sufficient means to make the restitution payments as ordered.

~~(7)~~*(8)* (a) If the judge finds that the offender has violated the terms and conditions of the suspended or deferred sentence by committing either compliance violations or noncompliance violations, or both, the judge may:

(i) continue the suspended or deferred sentence without a change in conditions;

(ii) continue the suspended sentence with modified or additional terms and conditions, which may include placement in:

(A) a secure facility designated by the department for up to 9 months; or

(B) a community corrections facility or program designated by the department for up to 9 months, including but not limited to placement in a prerelease center, sanction or hold bed, transitional living program, enhanced

supervision program, relapse intervention bed, chemical dependency treatment, or 24/7 sobriety program;

(iii) revoke the suspension of sentence and require the offender to serve either the sentence imposed or any sentence that could have been imposed that does not include a longer imprisonment or commitment term than the original sentence; or

(iv) if the sentence was deferred, impose any sentence that might have been originally imposed.

(b) If a suspended or deferred sentence is revoked, the judge shall consider any elapsed time, consult the records and recollection of the probation and parole officer, and allow all of the elapsed time served without any record or recollection of violations as a credit against the sentence. If the judge determines that elapsed time should not be credited, the judge shall state the reasons for the determination in the order. Credit must be allowed for time served in a detention center or for home arrest time already served.

(c) If the judge finds that the offender has not violated a term or condition of a suspended or deferred sentence, the judge is not prevented from setting, modifying, or adding conditions of probation as provided in 46-23-1011.

~~(8)~~*(9)* If the judge finds that the prosecution has not proved, by a preponderance of the evidence, that there has been a violation of the terms and conditions of the suspended or deferred sentence, the petition must be dismissed and the offender, if in custody, must be immediately released.

~~(9)~~*(10)* All sanction and placement decisions must be documented in the offender's file.

~~(10)~~*(11)* As used in this section:

(a) "absconding" means when an offender deliberately makes the offender's whereabouts unknown to a probation and parole officer or fails to report for the purposes of avoiding supervision, and reasonable efforts by the probation and parole officer to locate the offender have been unsuccessful; and

(b) "compliance violation" means a violation of the conditions of supervision that is not:

(i) a new criminal offense;

(ii) possession of a firearm in violation of a condition of probation;

(iii) behavior by the offender or any person acting at the offender's direction that could be considered stalking, harassing, or threatening the victim of the offense or a member of the victim's immediate family or support network;

(iv) absconding; or

(v) failure to enroll in or complete a required sex offender treatment program or a treatment program designed to treat violent offenders.

~~(11)~~*(12)* The provisions of this section apply to any offender whose suspended or deferred sentence is subject to revocation regardless of the date of the offender's conviction and regardless of the terms and conditions of the offender's original sentence.

(13) A filing fee of $120 must be filed with a petition for revocation when a transfer of jurisdiction is requested."

Section 2. Section 46-23-1011, MCA, is amended to read:

"**46-23-1011. Supervision on probation.** (1) The department shall supervise probationers during their probation period, including supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-625(4), or 45-5-711, in accord with the conditions set by a sentencing judge. If the sentencing judge did not set conditions of probation at the time of sentencing, the court shall, at the request of the department, hold a hearing and set conditions of probation. The probationer must be present at

the hearing. The probationer has the right to counsel as provided in chapter 8 of this title.

(2) If the probationer is being supervised for a sexual offense as defined in 46-23-502, the conditions of probation may require the probationer to refrain from direct or indirect contact with the victim of the offense or an immediate family member of the victim. If the victim or an immediate family member of the victim requests to the department that the probationer not contact the victim or immediate family member, the department shall request a hearing with a sentencing judge and recommend that the judge add the condition of probation. If the victim is a minor, a parent or guardian of the victim may make the request on the victim's behalf.

(3) A copy of the conditions of probation must be signed by the probationer. The department may require a probationer to waive extradition for the probationer's return to Montana.

(4) The probation and parole officer shall regularly advise and consult with the probationer using effective communication strategies and other evidence-based practices to encourage the probationer to improve the probationer's condition and conduct and shall inform the probationer of the restoration of rights on successful completion of the sentence.

(5) (a) The probation and parole officer may recommend and a judge may modify or add any condition of probation or suspension of sentence at any time.

(b) The probation and parole officer shall provide the county attorney in the sentencing jurisdiction with a report that identifies the conditions of probation and the reason why the officer believes that the judge should modify or add the conditions.

(c) The county attorney may file a petition requesting that the court modify or add conditions as requested by the probation and parole officer.

(d) The court may grant the petition if the probationer does not object. If the probationer objects to the petition, the court shall hold a hearing pursuant to the provisions of 46-18-203.

(e) Except as they apply to supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-625(4), or 45-5-711, the provisions of ~~46-18-203(7)(a)(ii)~~ *46-18-203(8)(a)(ii)* do not apply to this section.

(f) The probationer shall sign a copy of new or modified conditions of probation. The court may waive or modify a condition of restitution only as provided in 46-18-246.

(6) Based on the risk and needs of each individual as determined by the individual's most recent risk and needs assessment, the probation and parole officer shall notify the probationer of eligibility for conditional discharge from supervision when a probationer is in compliance with the conditions of supervision when:

(a) under the women's risks and needs assessment:

(i) a low-risk probationer has served 9 months;

(ii) a moderate-risk probationer has served 12 months;

(iii) a medium-risk probationer has served 18 months; and

(iv) a high-risk probationer has served 24 months; and

(b) under the Montana offender reentry and risk assessment:

(i) a low-risk probationer has served 9 months;

(ii) a moderate-risk probationer has served 12 months;

(iii) a high-risk probationer has served 18 months; and

(iv) a very high-risk probationer has served 24 months.

(7) The probationer, the probationer's attorney, or the prosecutor may file a motion recommending conditional discharge. The motion must set forth the following:

(a) why the probationer meets the requirements of subsection (6); and

(b) whether the department of corrections supports or opposes the motion.

(8) The motion must be served on the county attorney serving in the county of the presiding district court. The movant does not need to file an accompanying brief as otherwise required by Rule 2 of the Montana Uniform District Court Rules.

(9) The department of corrections shall make reasonable efforts to notify the victim if required by 46-24-212, and the county attorney shall make reasonable efforts to notify the victim. The victim must be provided the following:

(a) a copy of the motion;

(b) written notice that:

(i) the victim may provide written input regarding the motion or may ask the county attorney to state the victim's position on the motion;

(ii) if a hearing is set, the date, time, and place of the hearing; and

(iii) the victim may appear and testify at any hearing held on the motion.

(10) (a) The court may hold a hearing on the motion. A judge may conditionally discharge a probationer from supervision before expiration of the probationer's sentence if:

(i) the judge determines that a conditional discharge from supervision:

(A) is in the best interests of the probationer and society; and

(B) will not present unreasonable risk of danger to the victim of the offense; and

(ii) the offender has paid all restitution and court-ordered financial obligations in full.

(b) Subsection (10)(a) does not prohibit a judge from revoking the order suspending execution or deferring imposition of sentence, as provided in 46-18-203, for a probationer who has been conditionally discharged from supervision."

Approved May 12, 2025

CHAPTER NO. 625

[SB 553]

AN ACT GENERALLY REVISING STATE POLICY LAWS; PROVIDING FOR RESIDENTIAL DEVELOPMENT COST SHARING; REVISING LAND AND CASH DONATION OPTIONS FOR PARK DEDICATIONS; PROVIDING RULEMAKING AUTHORITY; PROHIBITING EXPIRATION DATES ON AIRLINE TRAVEL CREDITS; ASSOCIATING OWNERSHIP WITH THE POSSESSOR OF THE TRAVEL CREDIT; LIMITING FEES; ALLOWING CASH REDEMPTION; PROVIDING DEFINITIONS; RENAMING THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE; AMENDING SECTIONS 5-5-202, 5-5-230, 5-11-222, 10-4-310, 17-7-214, 30-14-102, 69-1-222, 69-8-402, 76-3-621, 85-1-501, AND 90-3-1301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Residential development infrastructure -- rulemaking. (1) If a local government requires a residential development

subdivider to pay or guarantee payment for part or all of the costs of extending or enhancing capital facilities pursuant to 76-3-510, the local government may enact a rule or regulation that provides for an equal share of the costs associated with extending or enhancing those capital facilities when a subsequent development also benefits from the expansion or enhancement of those capital facilities.

(2) The department of transportation may establish rules that locally approved and platted residential developments may be allocated a future cost share of present-day intersection or other improvements to reduce the undue hardship and associated cost barriers for residential developments to move forward. This analysis should also recognize normal increases in traffic impacts beyond that which is or can be attributable to one or more developments.

Section 2. Termination of travel credit prohibited -- fee limitation -- redemption. (1) A travel credit is valid until redemption and does not terminate. A travel credit is considered trust property of the possessor if the issuer or seller of the travel credit declares bankruptcy after issuing or selling the travel credit.

(2) The value represented by the travel credit belongs to the possessor and not to the issuer or seller. An issuer or seller may redeem a travel credit presented by an individual whose name does not match the name on the travel credit.

(3) A travel credit may not be reduced in value by any fee, including a dormancy fee applied if a travel credit is not used.

(4) If the original value of the travel credit was more than $5 and the remaining value is less than $5 and the possessor requests cash for the remainder, the issuer or seller shall redeem the travel credit for cash.

Section 3. Section 5-5-202, MCA, is amended to read:

"**5-5-202. Interim committees.** (1) During an interim when the legislature is not in session, the committees listed in subsection (2) are the interim committees of the legislature. They are empowered to sit as committees and may act in their respective areas of responsibility. The functions of the legislative council, legislative audit committee, legislative finance committee, environmental quality council, state-tribal relations committee, and local government committee are provided for in the statutes governing those committees.

(2) The following are the interim committees of the legislature:

(a) economic affairs committee;

(b) education committee;

(c) children, families, health, and human services committee;

(d) law and justice committee;

(e) energy and ~~telecommunications~~ *technology* committee;

(f) revenue committee;

(g) state administration and veterans' affairs committee;

(h) transportation committee; and

(i) water policy committee.

(3) An interim committee, the local government committee, or the environmental quality council may refer an issue to another committee that the referring committee determines to be more appropriate for the consideration of the issue. Upon the acceptance of the referred issue, the accepting committee shall consider the issue as if the issue were originally within its jurisdiction. If the committee that is referred an issue declines to accept the issue, the original committee retains jurisdiction.

(4) If there is a dispute between committees as to which committee has proper jurisdiction over a subject, the legislative council shall determine the

most appropriate committee and assign the subject to that committee. If there is an entity that is attached to an agency for administrative purposes under the jurisdiction of an interim committee and another interim committee has a justification to seek jurisdiction and petitions the legislative council, the legislative council may assign that entity to the interim committee seeking jurisdiction unless otherwise provided by law."

Section 4. Section 5-5-230, MCA, is amended to read:

"**5-5-230. Energy and ~~telecommunications~~ *technology* interim committee.** The energy and ~~telecommunications~~ *technology* interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the department of public service regulation and the public service commission."

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

"**5-11-222. Reports to legislature.** (1) (a) Except as provided in subsections (1)(b) and (5), a report to the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or before September 1 of each year preceding the convening of a regular session of the legislature.

(b) If otherwise specified in law, a report may be required more or less frequently than the biennial requirement in subsection (1)(a).

(2) Reports to the legislature include:

(a) annual reports on the unified investment program for public funds and public retirement systems and state compensation insurance fund assets audits from the board of investments in accordance with Article VIII, section 13, of the Montana constitution;

(b) federal mandates requirements from the governor in accordance with 2-1-407;

(c) activities of the state records committee in accordance with 2-6-1108;

(d) revenue studies from the director of revenue, if requested, in accordance with 2-7-104;

(e) legislative audit reports from the legislative audit division in accordance with 2-8-112 and 23-7-410;

(f) the annual performance report of each department to the appropriate interim budget committee and legislative policy interim committee in accordance with 2-12-105;

(g) progress on gender and racial balance from the governor in accordance with 2-15-108;

(h) a mental health report from the ombudsman in accordance with 2-15-210;

(i) policies related to children and families from the interagency coordinating council for state prevention in accordance with 2-15-225;

(j) watercourse name changes, if any, from the secretary of state in accordance with 2-15-401;

(k) results of programs established in 2-15-3111 through 2-15-3113 from the livestock loss board in accordance with 2-15-3113;

(l) the allocation of space report from the department of administration required in accordance with 2-17-101;

(m) information technology activities in accordance with 2-17-512;

(n) state strategic information technology plan exceptions, if granted, from the department of administration in accordance with 2-17-515;

(o) the state strategic information technology plan and biennial report from the department of administration in accordance with 2-17-521 and 2-17-522;

(p) reports from standing, interim, and administrative committees, if prepared, in accordance with 2-17-825 and 5-5-216;

(q) statistical and other data related to business transacted by the courts from the court administrator, if requested, in accordance with 3-1-702;

(r) the judicial standards commission report in accordance with 3-1-1126;

(s) an annual report on the actual cost of legislation that had a projected fiscal impact from the office of budget and program planning in accordance with 5-4-208;

(t) a link to annual state agency reports on grants awarded in the previous fiscal year established by the legislative finance committee in accordance with 5-12-208;

(u) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in accordance with 5-12-302(4);

(v) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may impair the independence of the legislative audit division in accordance with 5-13-305;

(w) if a waste of state resources occurs, a report from the legislative state auditor, in accordance with 5-13-311;

(x) school funding commission reports each fifth interim in accordance with 5-20-301;

(y) a report of political committee operations conducted on state-owned property, if required, from a political committee to the legislative services division in accordance with 13-37-404;

(z) a report concerning taxable value from the department of revenue in accordance with 15-1-205;

(aa) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;

(bb) semiannual reports on the Montana heritage preservation and development account from the Montana heritage preservation and development commission in accordance with 15-65-121;

(cc) general marijuana regulation reports and medical marijuana registry reports from the department of revenue in accordance with 16-12-110;

(dd) annual reports on general fund and nongeneral fund encumbrances from the department of administration in accordance with 17-1-102;

(ee) loans or loan extensions authorized for two consecutive fiscal years from the department of administration and office of commissioner of higher education, including negative cash balances from the commissioner of higher education, in accordance with 17-2-107;

(ff) a report of local government entities that have balances contrary to limitations provided for in 17-2-302 or that failed to reduce the charge from the department of administration in accordance with 17-2-304;

(gg) an annual report from the board of investments in accordance with 17-5-1650(2);

(hh) a quarterly report from the office of budget and program planning to the legislative finance committee identifying the amount and the type of debt payoff or other expenditure from the debt and liability free account in accordance with 17-6-214;

(ii) a report on retirement system trust investments and benefits from the board of investments in accordance with 17-6-230;

(jj) recommendations for reductions in spending and related analysis, if required, from the office of budget and program planning in accordance with 17-7-140;

(kk) a statewide facility inventory and condition assessment from the department of administration in accordance with 17-7-202;

(ll) actuary reports and investigations for public retirement systems from the public employees' retirement board in accordance with 19-2-405;

(mm) a work report from the public employees' retirement board in accordance with 19-2-407;

(nn) annual actuarial reports and evaluations from the teachers' retirement board in accordance with 19-20-201;

(oo) reports from the state director of K-12 career and vocational and technical education, as requested, in accordance with 20-7-308;

(pp) 5-year state plan for career and technical education reports from the board of regents in accordance with 20-7-330;

(qq) a gifted and talented students report from the office of public instruction in accordance with 20-7-904;

(rr) status changes for at-risk students from the office of public instruction in accordance with 20-9-328;

(ss) status changes for American Indian students from the office of public instruction in accordance with 20-9-330;

(tt) reports regarding the Montana Indian language preservation program from the office of public instruction in accordance with 20-9-537;

(uu) proposals for funding community colleges from the board of regents in accordance with 20-15-309;

(vv) expenditures and activities of the Montana agricultural experiment station and extension service, as requested, in accordance with 20-25-236;

(ww) reports, if requested by the legislature, from the president of each of the units of the higher education system in accordance with 20-25-305;

(xx) reports, if prepared by a public postsecondary institution, regarding free expression activities on campus in accordance with 20-25-1506;

(yy) reports from the Montana historical society trustees in accordance with 22-3-107;

(zz) state lottery reports in accordance with 23-7-202;

(aaa) state fund reports, if required, from the commissioner in accordance with 33-1-115;

(bbb) reports from the department of labor and industry in accordance with 39-6-101;

(ccc) victim unemployment benefits reports from the department of labor and industry in accordance with 39-51-2111;

(ddd) state fund business reports in accordance with 39-71-2363;

(eee) risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;

(fff) child custody reports from the office of the court administrator in accordance with 41-3-1004;

(ggg) reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the governor in accordance with 46-23-316;

(hhh) annual statewide public defender reports from the office of state public defender in accordance with 47-1-125;

(iii) a trauma care system report from the department of public health and human services in accordance with 50-6-402;

(jjj) an annual report on chemical abortion data from the department of public health and human services in accordance with 50-20-709;

(kkk) Montana criminal justice oversight council reports in accordance with 53-1-216;

(lll) medicaid block grant reports from the department of public health and human services in accordance with 53-1-611;

(mmm) reports on the approval and implementation status of medicaid section 1115 waivers in accordance with 53-2-215;

(nnn) provider rate, medicaid waiver, or medicaid state plan change reports from the department of public health and human services in accordance with 53-6-101;

(ooo) medicaid funding reports from the department of public health and human services in accordance with 53-6-110;

(ppp) proposals regarding managed care for medicaid recipients, if required, from the department of public health and human services in accordance with 53-6-116;

(qqq) reports on toxicology and prescription drug registry information from the suicide prevention officer in accordance with 53-21-1101;

(rrr) suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

(sss) annual compliance reports from certifying organizations to the criminal justice oversight council in accordance with 53-24-311;

(ttt) a compliance and inspection report from the department of corrections in accordance with 53-30-604;

(uuu) emergency medical services grants from the department of transportation in accordance with 61-2-109;

(vvv) annual financial reports on the environmental contingency account from the department of environmental quality in accordance with 75-1-1101;

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

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

(yyy) a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-713;

(zzz) state water plans from the department of natural resources and conservation in accordance with 85-1-203;

(aaaa) reports on the allocation of renewable resources grants and loans for emergencies, if required, from the department of natural resources and conservation in accordance with 85-1-605;

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

(cccc) upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-338;

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

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

(ffff) a future fisheries improvement program report from the department of fish, wildlife, and parks in accordance with 87-1-272;

(gggg) license revenue recommendations from the department of fish, wildlife, and parks in accordance with 87-1-629;

(hhhh) reports from the department of fish, wildlife, and parks on conservation licenses sold and revenue received in accordance with 87-2-201;

(iiii) hydrocarbon and geology investigation reports from the bureau of mines and geology in accordance with 90-2-201;

(jjjj) coal ash markets investigation reports from the department of commerce in accordance with 90-2-202;

(kkkk) an annual report from the pacific northwest electric power and conservation planning council in accordance with 90-4-403;

(llll) community property-assessed capital enhancements program reports from the Montana facility finance authority in accordance with 90-4-1303;

(mmmm) veterans' home loan mortgage loan reports from the board of housing in accordance with 90-6-604;

(nnnn) matching infrastructure planning grant awards by the department of commerce in accordance with 90-6-703(3); and

(oooo) Montana coal endowment program reports from the department of commerce in accordance with 90-6-710.

(3) Reports to the legislature include reports made to an interim committee as follows:

(a) reports to the law and justice interim committee, including:

(i) a report on fentanyl-related mandatory minimums from the attorney general in accordance with 2-15-505;

(ii) findings of the domestic violence fatality review commission in accordance with 2-15-2017;

(iii) the report from the missing indigenous persons review commission in accordance with 2-15-2018;

(iv) reports from the department of justice and public safety officer standards and training council in accordance with 2-15-2029;

(v) reports on district court judge caseload and substitutions from the office of court administrator in accordance with 3-1-713;

(vi) information on the Montana False Claims Act from the department of justice in accordance with 17-8-416;

(vii) annual case status reports from the attorney general in accordance with 41-3-210;

(viii) an annual report from the department of public health and human services on the number of referrals to county attorneys pursuant to 41-3-202(1)(b)(i) in accordance with 41-3-211;

(ix) office of court administrator reports in accordance with 41-5-2003;

(x) reports on pending investigations from the public safety officer standards and training council in accordance with 44-4-408;

(xi) statewide public safety communications system activities from the department of justice in accordance with 44-4-1606;

(xii) the annual report on the activities of the sexual assault response network program and the sexual assault response team committee from the department of justice in accordance with 44-4-1705;

(xiii) reports on the status of the crisis intervention team training program from the board of crime control in accordance with 44-7-110;

(xiv) restorative justice grant program status and performance from the board of crime control in accordance with 44-7-302;

(xv) law enforcement agency facial recognition technology use reports from the department of justice in accordance with 44-15-111(3);

(xvi) reports on third-party vendors providing facial recognition services to state agencies reports in accordance with 44-15-111(4)(b);

(xvii) reports on offenders under supervision with new offenses or violations from the department of corrections in accordance with 46-23-1016;

(xviii) supervision responses grid reports from the department of corrections in accordance with 46-23-1028;

(xix) statewide public defender reports and information from the office of state public defender in accordance with 47-1-125;

(xx) every 5 years, a percentage change in public defender funding report from the legislative fiscal analyst in accordance with 47-1-125;

(xxi) every 5 years, statewide public defender reports on the percentage change in funding from the office of state public defender in accordance with 47-1-125; and

(xxii) a report from the quality assurance unit from the department of corrections in accordance with 53-1-211;

(b) reports to the state administration and veterans' affairs interim committee, including:

(i) a report that includes information technology activities and additional information from the information technology board in accordance with 2-17-512 and 2-17-513;

(ii) a report from the capitol complex advisory council in accordance with 2-17-804;

(iii) a report on the employee incentive award program from the department of administration in accordance with 2-18-1103;

(iv) a board of veterans' affairs report in accordance with 10-2-102;

(v) a report on the decennial veterans' long-term care needs study from the department of public health and human services and the Montana veterans' affairs division in accordance with 10-2-903;

(vi) a report on grants to the Montana civil air patrol from the department of military affairs in accordance with 10-3-802;

(vii) annual reports on statewide election security from the secretary of state in accordance with 13-1-205;

(viii) reports on money received in the special account for implementing the Help America Vote Act from the secretary of state in accordance with 13-1-209;

(ix) a report regarding the youth voting program, if requested, from the secretary of state in accordance with 13-22-108;

(x) a report from the commissioner of political practices in accordance with 13-37-120;

(xi) a report on retirement system trust investments from the board of investments in accordance with 17-6-230;

(xii) actuarial valuations and other reports from the public employees' retirement board in accordance with 19-2-405 and 19-3-117;

(xiii) actuarial valuations and other reports from the teachers' retirement board in accordance with 19-20-201 and 19-20-216;

(xiv) a report on the reemployment of retired members of the teachers' retirement system from the teachers' retirement board in accordance with 19-20-732; and

(xv) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the secretary of state in accordance with 30-9A-527;

(c) reports to the children, families, health, and human services interim committee, including:

(i) a report from the department of public health and human services on the programs, grants, and services funded under the healing and ending addiction through recovery and treatment account in 16-12-122;

(ii) Montana foster youth higher education assistance program grant reports from the commissioner of higher education in accordance with 20-26-633;

(iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;

(iv) Montana HELP Act workforce development reports from the department of public health and human services in accordance with 39-12-103;

(v) reports from the department of public health and human services on the department's efforts regarding the volunteer program to support child protective services activities in accordance with 41-3-132;

(vi) annual reports from the child and family ombudsman in accordance with 41-3-1211;

(vii) reports on activities and recommendations on child protective services activities, if required, from the child and family ombudsman in accordance with 41-3-1215;

(viii) reports on the out-of-state placement of high-risk children with multiagency service needs from the department of public health and human services in accordance with 52-2-311;

(ix) private alternative adolescent residential and outdoor programs reports from the department of public health and human services in accordance with 52-2-803;

(x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of public health and human services in accordance with 53-6-101;

(xi) a report from the department of public health and human services on home and community-based services provider information in 53-6-406;

(xii) a report concerning mental health managed care services, if managed care is in place, from the advisory council in accordance with 53-6-710;

(xiii) quarterly medicaid reports related to expansion from the department of public health and human services in accordance with 53-6-1325;

(xiv) annual Montana developmental center reports from the department of public health and human services in accordance with 53-20-225; and

(xv) annual children's mental health outcomes from the department of public health and human services in accordance with 53-21-508;

(xvi) suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

(d) reports to the economic affairs interim committee, including:

(i) the annual state compensation insurance fund budget from the board of directors in accordance with 5-5-223 and 39-71-2363;

(ii) medical marijuana registry reports from the department of revenue in accordance with 16-12-110;

(iii) general marijuana regulation reports from the department of revenue in accordance with 16-12-110(3);

(iv) annual reports on complaints against physicians certifying medical marijuana use from the board of medical examiners in accordance with 16-12-110(6);

(v) an annual report on the administrative rate required from the department of commerce from the Montana heritage preservation and development commission in accordance with 22-3-1002;

(vi) biennial reports from the department of labor and industry on weighing device license fees and cost increases in accordance with 30-12-203;

(vii) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;

(viii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-71-2375;

(ix) annual reinsurance reports from the Montana reinsurance association board required in accordance with 33-22-1308;

(x) reports from the department of labor and industry concerning board attendance in accordance with 37-1-107;

(xi) annual reports on physician complaints related to medical marijuana from the board of medical examiners in accordance with 37-3-203;

(xii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;

(xiii) status reports on the special revenue account and fees charged as a funding source from the board of funeral service in accordance with 37-19-204;

(xiv) unemployment insurance program integrity act reports from the department of labor and industry in accordance with 39-51-706;

(xv) law enforcement agency facial recognition technology use reports from the department of justice in accordance with 44-15-111(3);

(xvi) reports on third-party vendors providing facial recognition services to state agencies reports in accordance with 44-15-111(4)(b);

(xvii) status reports on the distressed wood products industry revolving loan program from the department of commerce in accordance with 90-1-503;

(e) reports to the education interim committee, including:

(i) reemployment of retired teachers, specialists, and administrators reports from the retirement board in accordance with 19-20-732;

(ii) a report on participation in the interstate compact on educational opportunity for military children in accordance with 20-1-231;

(iii) grow your own grant program reports from the commissioner of higher education in accordance with 20-4-601;

(iv) reports on out-of-district attendance from the superintendent of public instruction in accordance with 20-5-324;

(v) reports from the education and workforce data governing board in accordance with 20-7-138;

(vi) state-level strengthening career and technical student organizations program reports from the superintendent of public instruction in accordance with 20-7-320;

(vii) a report from the superintendent of public instruction concerning educational programs for eligible children receiving in-state inpatient treatment of serious emotional disturbances in accordance with 20-7-435;

(viii) reports from the Montana digital academy governing board in accordance with 20-7-1201;

(ix) advanced opportunity program reports from the board of public education in accordance with 20-7-1506;

(x) progress on transformational learning plans from the board of public education in accordance with 20-7-1602;

(xi) reports on early literacy targeted interventions from the superintendent of public instruction in accordance with 20-7-1804;

(xii) budget amendments, if needed, from school districts in accordance with 20-9-161;

(xiii) reports regarding the Montana Indian language preservation program from the office of public instruction in accordance with 20-9-537;

(xiv) annual Montana resident student financial aid program reports from the commissioner of higher education in accordance with 20-26-105;

(xv) Montana foster youth higher education assistance program grant reports from the commissioner of higher education in accordance with 20-26-633;

(xvi) a historic preservation office report from the historic preservation officer in accordance with 22-3-423; and

(xvii) interdisciplinary child information agreement reports from the office of public instruction in accordance with 52-2-211;

(f) reports to the energy and ~~telecommunications~~ *technology* interim committee, including:

(i) the high-performance building report from the department of administration in accordance with 17-7-214;

(ii) an annual report from the consumer counsel in accordance with 69-1-222;

(iii) annual universal system benefits reports from utilities, electric cooperatives, and the department of revenue in accordance with 69-8-402;

(iv) small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501; and

(v) geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-1301;

(g) reports to the revenue interim committee, including:

(i) use of the qualified endowment tax credit report from the department of revenue in accordance with 15-1-230;

(ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with 15-7-111;

(iii) information about job growth incentive tax credits from the department of revenue in accordance with 15-30-2361;

(iv) student scholarship contributions from the department of revenue in accordance with 15-30-3112;

(v) media production tax credit economic impact reports from the department of commerce in accordance with 15-31-1011; and

(vi) reports that actual or projected receipts will result in less revenue than estimated from the office of budget and program planning, if necessary, in accordance with 17-7-140;

(h) reports to the transportation interim committee, including:

(i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;

(ii) cooperative agreement negotiations from the department of transportation in accordance with 15-70-450; and

(iii) a special fuels inspection report from the department of transportation in accordance with 61-10-154;

(i) reports to the environmental quality council, including:

(i) compliance and enforcement reports required in accordance with 75-1-314;

(ii) the state solid waste management and resource recovery plan, every 5 years, from the department of environmental quality in accordance with 75-10-111;

(iii) annual orphan share reports from the department of environmental quality in accordance with 75-10-743;

(iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;

(v) annual subdivision sanitation reports from the department of environmental quality in accordance with 76-4-116;

(vi) quarterly reports from the department of environmental quality on the number and percentage of overdue files in accordance with 76-4-116;

(vii) state trust land accessibility reports from the department of natural resources and conservation in accordance with 77-1-820;

(viii) biennial land banking reports and annual state land cabin and home site sales reports from the department of natural resources and conservation in accordance with 77-2-366;

(ix) biennially invasive species reports from the departments of fish, wildlife, and parks and natural resources and conservation in accordance with 80-7-1006;

(x) annual invasive species council reports in accordance with 80-7-1203;

(xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;

(xii) reports from the western Montana conservation commission in accordance with 85-1-904;

(xiii) annual sage grouse population reports from the department of fish, wildlife, and parks in accordance with 87-1-201;

(xiv) annual gray wolf management reports from the department of fish, wildlife, and parks in accordance with 87-1-901;

(xv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in accordance with 87-2-702;

(xvi) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in accordance with 87-5-807; and

(xvii) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;

(j) reports to the water policy interim committee, including:

(i) drought and water supply advisory committee reports in accordance with 2-15-3308;

(ii) total maximum daily load reports from the department of environmental quality in accordance with 75-5-703;

(iii) state water plans from the department of natural resources and conservation in accordance with 85-1-203;

(iv) small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501;

(v) renewable resource grant and loan program reports from the department of natural resources and conservation in accordance with 85-1-621;

(vi) reports from the western Montana conservation commission in accordance with 85-1-904;

(vii) quarterly adjudication reports from the department of natural resources and conservation and the water court in accordance with 85-2-281;

(viii) water reservation reports from the department of natural resources and conservation in accordance with 85-2-316;

(ix) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-436; and

(x) ground water investigation program reports from the bureau of mines and geology in accordance with 85-2-525;

(k) reports to the local government interim committee, including:

(i) reports from the local government center on petitions received that resulted in the development and delivery of training in accordance with 7-1-206;

(ii) sand and gravel, if an investigation is completed, in accordance with 82-2-701;

(iii) assistance to local governments on federal land management proposals from the department of commerce in accordance with 90-1-182; and

(iv) emergency financial assistance to local government reports from the department of commerce, if requests are made, in accordance with 90-6-703(2);

(l) reports to the state-tribal relations committee, including:

(i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;

(ii) the Montana Indian language preservation program report from the office of public instruction in accordance with 20-9-537;

(iii) reports from the missing indigenous persons task force in accordance with 44-2-411;

(iv) a report from the department of justice on missing persons response team training grants awarded in accordance with 44-2-416;

(v) state-tribal economic development commission activities reports from the state-tribal economic development commission in accordance with 90-1-132; and

(vi) state-tribal economic development commission reports provided regularly by the state director of Indian affairs in accordance with 90-11-102.

(4) Reports to the legislature include multistate compact and agreement reports, including:

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. Section 10-4-310, MCA, is amended to read:

"**10-4-310. (Temporary) 9-1-1 GIS mapping account created -- source of funding -- use of account.** (1) There is an account in the state special revenue fund to be known as the 9-1-1 GIS mapping fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations and from transfers made in accordance with 10-4-304(5); and

(b) any gift, donation, grant, legacy, bequest, or devise made for the purposes of subsection (3).

(3) The account may be used only by the state library provided for in 22-1-102 in carrying out its coordination and management responsibilities to collect, maintain, and disseminate GIS land information in the state as it pertains to supporting public safety answering points on the ongoing assessment and improvement of next-generation 9-1-1 GIS data sets.

(4) Before September 1 of each even-numbered year, the state library shall produce a report summarizing the status of GIS readiness in Montana as it pertains to next-generation 9-1-1 GIS, including policy and funding recommendations necessary to advance next-generation 9-1-1 systems. The state library shall provide the report in accordance with 5-11-210 to the energy and ~~telecommunications~~ *technology* interim committee provided for in 5-5-230.

(5) Funds in the account are statutorily appropriated to the state library as provided in 17-7-502.

(6) At the end of fiscal year 2031, any unexpended balance in the account must be transferred to the account established in accordance with 10-4-304(1). (Terminates July 1, 2031--sec. 8, Ch. 200, L. 2021.)"

Section 7. Section 17-7-214, MCA, is amended to read:

"**17-7-214. (Temporary) High-performance program for operations and maintenance of existing buildings.** (1) The department of administration, in collaboration with the Montana university system and other state agencies, shall develop a voluntary high-performance building program

for the operation and maintenance of existing buildings. In developing this program, the department of administration shall consider:

(a) integrated design principles to optimize energy performance, enhance indoor environmental quality, and conserve natural resources;

(b) cost-effectiveness, including productivity, deferred maintenance, and operational considerations; and

(c) building functionality, durability, and maintenance.

(2) When economically justified, state agencies may elect to improve the cost-effectiveness of existing buildings by participating in the high-performance program for operations and maintenance of existing buildings established by the department of administration under this section.

(3) The department of administration, in collaboration with the Montana university system, shall provide a report to the energy and ~~telecommunications~~ *technology* interim committee in accordance with 5-11-210 on the high-performance building program established in subsection (1). The report must include an overview of the state agencies and educational units participating in the program and an estimate of savings or actual savings in operations and maintenance resulting from participation in the program. (Terminates June 30, 2029--sec. 1, Ch. 408, L. 2019.)"

Section 8. Section 30-14-102, MCA, is amended to read:

"**30-14-102. Definitions.** As used in this part, the following definitions apply:

(1) "Consumer" means a person who purchases or leases goods, services, real property, or information primarily for personal, family, or household purposes.

(2) "Department" means the department of justice created in 2-15-2001.

(3) "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording.

(4) "Examination" of documentary material includes the inspection, study, or copying of documentary material and the taking of testimony under oath or acknowledgment in respect to any documentary material or copy of documentary material.

(5) (a) "Gift certificate" means a record, including a gift card or stored value card, that is provided for paid consideration and that indicates a promise by the issuer or seller of the record that goods or services will be provided to the possessor of the record for the value that is shown on the record or contained within the record by means of a microprocessor chip, magnetic stripe, bar code, or other electronic information storage device. The consideration provided for the gift certificate must be made in advance. The value of the gift certificate is reduced by the amount spent with each use. A gift certificate is considered trust property of the possessor if the issuer or seller of the gift certificate declares bankruptcy after issuing or selling the gift certificate. The value represented by the gift certificate belongs to the possessor, to the extent provided by law, and not to the issuer or seller.

(b) The term does not include:

(i) prepaid telecommunications and technology cards, including but not limited to prepaid telephone calling cards, prepaid technical support cards, and prepaid internet disks that have been distributed to or purchased by a consumer;

(ii) a coupon provided to a consumer pursuant to any award, loyalty, or promotion program without any money or consideration being given in exchange for the card; or

(iii) a gift certificate usable with multiple sellers of goods or services.

(6) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(7) "Possessor" means a natural person who has physical control over a gift certificate *or travel credit*.

(8) (a) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services, any property, tangible or intangible, real, personal, or mixed, or any other article, commodity, or thing of value, wherever located, and includes any trade or commerce directly or indirectly affecting the people of this state.

(b) The terms include direct patient care agreements established pursuant to 50-4-107.

(9) "Travel credit" means a form of credit issued by an airline that can be used to purchase future flights or other services offered by an airline."

Section 9. Section 69-1-222, MCA, is amended to read:

"**69-1-222. Annual report.** (1) The consumer counsel shall prepare and submit a yearly report and other interim reports to the consumer committee that the consumer counsel determines advisable concerning the consumer counsel's activities during the year. The consumer counsel also may recommend appropriate remedial legislation to the committee.

(2) The annual report and any recommendations for remedial legislation prepared in accordance with subsection (1) must also be provided to the energy and ~~telecommunications~~ *technology* interim committee in accordance with 5-11-210."

Section 10. Section 69-8-402, MCA, is amended to read:

"**69-8-402. Universal system benefits programs.** (1) Universal system benefits programs are established for the state of Montana to ensure continued funding of and new expenditures for energy conservation, renewable resource projects and applications, and low-income energy assistance.

(2) (a) Except as provided in subsection (11), beginning January 1, 1999, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the initial funding level for universal system benefits programs. To collect this amount of funds on an annualized basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives.

(b) The recovery of all universal system benefits programs costs imposed pursuant to this section is authorized through the imposition of a universal system benefits charge assessed at the meter for each local utility system customer as provided in this section.

(c) A utility must receive credit toward annual funding requirements for the utility's internal programs or activities that qualify as universal system benefits programs, including those amortized or nonamortized portions of expenditures for the purchase of power that are for the acquisition or support of renewable energy, conservation-related activities, or low-income energy assistance, and for large customers' programs or activities as provided in subsection (7). The department of revenue shall review claimed credits of the utilities and large customers pursuant to 69-8-414.

(d) A utility at which the sale of power for final end use occurs is the utility that receives credit for the universal system benefits programs expenditure.

(e) A customer's utility shall collect universal system benefits funds less any allowable credits.

(f) For a utility to receive credit for low-income-related expenditures, the activity must have taken place in Montana.

(g) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding provisions of this subsection (2), then the utility or large customer shall make a payment to the universal system benefits fund established in 69-8-412 for any difference.

(3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding requirements for universal system benefits programs and low-income energy assistance.

(4) A utility's transition plan must describe how the utility proposes to provide for universal system benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to measure the utility's level of contribution to each program.

(5) (a) A cooperative utility's minimum annual funding requirement for low-income energy and weatherization assistance is established at 17% of the cooperative utility's annual universal system benefits funding level and is inclusive within the overall universal system benefits funding level.

(b) Except as provided in subsection (11), a public utility's minimum annual funding requirement for low-income energy and weatherization assistance is established at 50% of the public utility's annual universal system benefits funding level and is inclusive within the overall universal system benefits funding level.

(c) A utility must receive credit toward the utility's low-income energy assistance annual funding requirement for the utility's internal low-income energy assistance programs or activities. Internal programs and activities may include providing low-income energy and weatherization assistance on Indian reservations.

(d) If a utility's credit for internal activities does not satisfy its annual funding requirement, then the utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412.

(6) An individual customer may not bear a disproportionate share of the local utility's funding requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs.

(7) (a) A large customer:

(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:

(A) $500,000, less the large customer credits provided for in this subsection (7); or

(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection (7);

(ii) must receive credit toward that large customer's universal system benefits charge for internal expenditures and activities that qualify as a universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:

(A) expenditures that result in a reduction in the consumption of electrical energy in the large customer's facility; and

(B) those amortized or nonamortized portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.

(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a calendar year that exceed that large customer's universal system benefits charge for the calendar year must be used as a credit against those charges in future years until the total amount of

those expenditures has been credited against that large customer's universal system benefits charges.

(8) (a) Except as provided in subsection (11), a public utility shall prepare and submit an annual summary report of the public utility's activities relating to all universal system benefits programs to the commission, the department of revenue, and the energy and ~~telecommunications~~ *technology* interim committee in accordance with 5-11-210. A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, and the energy and ~~telecommunications~~ *technology* interim committee in accordance with 5-11-210. The statewide cooperative utility office shall prepare and submit an annual summary report of the activities of individual cooperative utilities, including a summary of the pooling of statewide credits, as provided in subsection (3), to the department of revenue and the energy and ~~telecommunications~~ *technology* interim committee in accordance with 5-11-210. The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:

(i) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;

(ii) the level of funding for those programs relative to the annual funding requirements prescribed in subsection (2);

(iii) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements; and

(iv) the names of all large customers who either utilized credits to minimize or eliminate their charge pursuant to subsection (7) or received a reimbursement for universal system benefits related to expenditures from the utility during the previous reporting year.

(b) Before September 15 of the year preceding a legislative session, the energy and ~~telecommunications~~ *technology* interim committee shall:

(i) review the universal system benefits programs and, if necessary, submit recommendations regarding these programs to the legislature; and

(ii) review annual universal system benefits reports provided by utilities in accordance with subsection (8)(a) and compare those reports with reports provided by large customers to the department of revenue in accordance with subsection (10)(a) and identify large customers, if any, who are not in compliance with reporting requirements in accordance with this subsection (8) and subsection (10).

(9) A utility or large customer filing for a credit shall develop and maintain appropriate documentation to support the utility's or the large customer's claim for the credit.

(10) (a) A large customer claiming credits for a calendar year shall submit an annual summary report of its universal system benefits programs activities and expenditures to the department of revenue and to the large customer's utility. The department shall annually make the reports available to the energy and ~~telecommunications~~ *technology* interim committee in accordance with 5-11-210. A report must be filed with the department even if a large customer is being reimbursed for a prior year's project. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount of the credit. Prior approval by the utility is not required, except as provided in subsection (10)(b).

(b) If a large customer claims a credit that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that credits claimed by the large customer be first approved by

the utility. If the utility approves the large customer credit, the utility may be financially responsible for any subsequent disallowance.

(11) A public utility with fewer than 50 customers is exempt from the requirements of this section."

Section 11. Section 76-3-621, MCA, is amended to read:

"**76-3-621. Park dedication requirement.** (1) Except as provided in 76-3-509 or subsections (2), (3), and (6) through (9) of this section, a subdivider shall dedicate to the governing body a cash or land donation equal to:

(a) 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;

(b) 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than 1 acre;

(c) 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and not larger than 3 acres; and

(d) 2.5% of the area of the land proposed to be subdivided into parcels larger than 3 acres and not larger than 5 acres.

(2) When a subdivision is located totally within an area for which density requirements have been adopted pursuant to a growth policy under chapter 1 or pursuant to zoning regulations under chapter 2, the governing body may establish park dedication requirements based on the community need for parks and the development densities identified in the growth policy or regulations. Park dedication requirements established under this subsection are in lieu of those provided in subsection (1) and may not exceed 0.03 acres per dwelling unit.

(3) A park dedication may not be required for:

(a) land proposed for subdivision into parcels larger than 5 acres;

(b) subdivision into parcels that are all nonresidential;

(c) a subdivision in which parcels are not created, except when that subdivision provides permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums;

(d) a subdivision in which only one additional parcel is created; or

(e) except as provided in subsection (8), a first minor subdivision from a tract of record as described in 76-3-609(2).

(4) ~~The~~ *If the subdivider does not choose a cash donation only, the* governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation~~, cash donation,~~ or a combination of both *a land and cash donation*. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation.

(5) (a) In accordance with the provisions of subsections (5)(b) and (5)(c), the governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision.

(b) The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements only if:

(i) the park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and

(ii) the governing body has formally adopted a park plan that establishes the needs and procedures for use of the money.

(c) The governing body may not use more than 50% of the dedicated money for park maintenance.

(6) The local governing body shall waive the park dedication requirement if:

(a) (i) the preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and

(ii) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (1);

(b) (i) the preliminary plat provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and

(ii) the area of the land proposed to be subdivided, by virtue of providing long-term protection provided for in subsection (6)(b)(i), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1);

(c) the area of the land proposed to be subdivided, by virtue of a combination of the provisions of subsections (6)(a) and (6)(b), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1); or

(d) (i) the subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and

(ii) the area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under subsection (1).

(7) The local governing body may waive the park dedication requirement if:

(a) the subdivider provides land outside the subdivision that affords long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and

(b) the area of the land to be subject to long-term protection, as provided in subsection (7)(a), equals or exceeds the area of the dedication required under subsection (1).

(8) (a) A local governing body may, at its discretion, require a park dedication for:

(i) a subsequent minor subdivision as described in 76-3-609(3); or

(ii) a first minor subdivision from a tract of record as described in 76-3-609(2) if:

(A) the subdivision plat indicates development of condominiums or other multifamily housing;

(B) zoning regulations permit condominiums or other multifamily housing; or

(C) any of the lots are located within the boundaries of a municipality.

(b) A local governing body that chooses to require a park dedication shall specify in regulations the circumstances under which a park dedication will be required.

(9) Subject to the approval of the local governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided in subsection (1) to a school district, adequate to be used for school facilities or buildings.

(10) For the purposes of this section:

(a) "cash donation" is the fair market value of the unsubdivided, unimproved land; and

(b) "dwelling unit" means a residential structure in which a person or persons reside.

(11) A land donation under this section may be inside or outside of the subdivision."

Section 12. Section 85-1-501, MCA, is amended to read:

"**85-1-501. Survey of power generation capacity.** (1) The department shall study the economic and environmental feasibility of constructing and operating a small-scale hydroelectric power generating facility on each of the water projects under its control and shall periodically update those studies as the cost of the electrical energy increases. In determining whether small-scale hydroelectric generation may be economically feasible on a particular project, the department shall consider:

(a) the estimated cost of construction of a facility;

(b) the estimated cost of maintaining, repairing, and operating the facility;

(c) the estimated cost of tying into an existing power distribution channel;

(d) the ability of public utilities or rural electric cooperatives to lease and operate such a facility;

(e) the debt burden to be serviced;

(f) the revenue expected to be derived;

(g) the likelihood of a reasonable rate of return on the investment; and

(h) the potential impacts on water supply and streamflows.

(2) The department shall update the energy and ~~telecommunications~~ *technology* interim committee and the water policy interim committee in accordance with 5-11-210 on all past and current studies conducted pursuant to this section."

Section 13. Section 90-3-1301, MCA, is amended to read:

"**90-3-1301. Geothermal research.** (1) Subject to subsection (2), the Montana bureau of mines and geology may conduct geothermal research that:

(a) characterizes the geothermal resource base in Montana;

(b) tests high-temperature and high-pressure drilling technologies benefiting geothermal well construction; and

(c) determines reservoir characterization, monitoring, and modeling necessary for commercial application in Montana.

(2) If the research is conducted on private property, the bureau must have written agreements with:

(a) the surface property owner and any owners of the geothermal resource for access and use of the site for research purposes; and

(b) subject to subsections (3) and (4), the utility, as defined in 69-5-102, with a service area nearest the research site if the utility intends to commercially develop the site.

(3) If the utility with a service area nearest the research site intends to develop the site for future commercial use, the utility shall:

(a) contribute, at a minimum, 25% of the research costs as determined by the bureau for research at the site; and

(b) have an agreement in place with the surface property owner and any owners of the geothermal resource where the research site is located for future development of the geothermal resource.

(4) If the utility with a service area nearest the research site does not intend to develop the site for commercial use, the utility with a service area next nearest the site may enter into a written agreement pursuant to subsection (2)(b). If a utility does not intend to develop the site for future commercial use, the agreement pursuant to subsection (2)(b) is not required.

(5) In determining the utility with a service area nearest the site, all measurements must be made on the shortest vector that can be drawn from the line nearest the service area to the nearest portion of the geothermal site.

(6) The bureau shall provide a report to the energy and ~~telecommunications~~ *technology* interim committee in accordance with 5-11-210 on research conducted pursuant to this section and funding received pursuant to 90-3-1302."

Section 14. Name change -- directions to code commissioner. Whenever a reference to the energy and telecommunications interim committee appears in legislation enacted by the 2025 legislature, the code commissioner is directed to change it to a reference to the energy and technology interim committee.

Section 15. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 76, chapter 3, part 5, and the provisions of Title 76, chapter 3, part 5, apply to [section 1].

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

Section 16. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 17. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 18. Effective date. [This act] is effective on passage and approval.

Section 19. Retroactive applicability. [Sections 2 and 8] apply retroactively, within the meaning of 1-2-109, to travel credit issued on or after January 1, 2025.

Approved May 12, 2025

CHAPTER NO. 626

[SB 555]

AN ACT GENERALLY REVISING GAMBLING LAWS; REVISING THE DEFINITION OF INTERNET GAMBLING TO INCLUDE ONLINE CASINOS; PROVIDING AN EXCEPTION FOR ONLINE CASINOS THAT DO NOT ALLOW THE USE OF CURRENCY OF ANY KIND; REVISING THE DISPOSAL OF FINES TO THE CREDIT OF THE DEPARTMENT OF JUSTICE; REVISING CRIMINAL PENALTIES TO INCLUDE MISDEMEANOR AND FELONY CRIMES; AND AMENDING SECTIONS 23-5-112, 23-5-123, 23-5-154, AND 23-5-162, MCA.

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

Section 1. Section 23-5-112, MCA, is amended to read:

"**23-5-112. Definitions.** Unless the context requires otherwise, the following definitions apply to parts 1 through 8 of this chapter:

(1) "Antique gambling device" means:

(a) an illegal gambling device manufactured prior to 1994; or

(b) any gambling device which, at any present time, is 30 years old or older.

(2) "Applicant" means a person who has applied for a license or permit issued by the department pursuant to parts 1 through 8 of this chapter.

(3) "Application" means a written request for a license or permit issued by the department. The department shall adopt rules describing the forms and information required for issuance of a license.

(4) "Associated gambling business" means a person who provides a service or product to a licensed gambling business and who:

(a) has a reason to possess or maintain control over gambling devices;

(b) has access to proprietary information or gambling tax information; or

(c) is a party in processing gambling transactions.

(5) "Authorized equipment" means, with respect to live keno or bingo, equipment that may be inspected by the department and that randomly selects the numbers.

(6) "Bingo" means a gambling activity played for prizes with a card bearing a printed design of 5 columns. The letters B-I-N-G-O must appear above the design, with each letter above one of the columns. More than 75 numbers may not be used. One or more numbers may appear in each square, except for the center square, which may be considered a free play. Numbers must be randomly drawn using authorized equipment until the game is won by the person or persons who first cover one or more previously designated arrangements of numbers on the bingo card.

(7) "Bingo caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live bingo.

(8) "Bingo session" means all activities incidental to a series of bingo games conducted by a licensed operator beginning when the first bingo ball is drawn in the first game of bingo.

(9) "Card game table" or "table" means a live card game table:

(a) authorized by permit and made available to the public on the premises of a licensed gambling operator; or

(b) operated by a senior citizen center.

(10) "Card game tournament" means a gambling activity for which a permit has been issued involving participants who pay valuable consideration for the opportunity to compete against each other in a series of live card games conducted over a designated period of time.

(11) "Dealer" means a person with a dealer's license issued under part 3 of this chapter.

(12) "Department" means the department of justice.

(13) "Distributor" means a person who:

(a) purchases or obtains from a licensed manufacturer, distributor, route operator, or operator equipment of any kind for use in gambling activities; and

(b) sells the equipment to a licensed manufacturer, distributor, route operator, or operator.

(14) (a) "Gambling" or "gambling activity" means risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise.

(b) The term does not mean conducting or participating in:

(i) promotional games of chance;

(ii) amusement games regulated by Title 23, chapter 6, part 1;

(iii) social card games of bridge, cribbage, hearts, pinochle, pitch, rummy, solo, and whist played solely for prizes of minimal value, as defined by department rule; or

(iv) patron dice games as defined in this section.

(15) "Gambling device" means a mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

(16) "Gambling enterprise" means an activity, scheme, or agreement or an attempted activity, scheme, or agreement to provide gambling or a gambling device to the public.

(17) (a) "Gift enterprise" means a gambling activity in which persons have qualified to obtain property to be awarded by purchasing or agreeing to purchase goods or services.

(b) The term does not mean:

(i) a cash or merchandise attendance prize or premium that county fair commissioners of agricultural fairs and rodeo associations may give away at public drawings at fairs and rodeos;

(ii) a promotional game of chance;

(iii) an amusement game regulated under Title 23, chapter 6;

(iv) a savings promotion raffle offered by a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business and accept deposits in this state under state or federal law and conducted in compliance with 23-5-413 that entitles individual members or depositors equal chances to win a designated prize by depositing a sum of money during a specified savings period; or

(v) an entry into a raffle as a result of paying membership dues or making a purchase of an item offered during a fundraising event held by a nonprofit organization.

(18) "Gross proceeds" means gross revenue received less prizes paid out.

(19) "Heads or tails" means a gambling activity in which players attempt to predict the outcome of a coin toss. Those who are incorrect are eliminated and those who are correct continue to another round until one winning player remains and is awarded a prize.

(20) "House player" means a person participating in a card game who has a financial relationship with the operator, card room contractor, or dealer or who has received money or chips from the operator, card room contractor, or dealer to participate in a card game.

(21) "Illegal gambling device" means a gambling device not specifically authorized by statute or by the rules of the department. The term includes:

(a) a ticket or card, by whatever name known, containing concealed numbers or symbols that may match numbers or symbols designated in advance as prize winners, including a pull tab, punchboard, push card, tip board, pickle ticket, break-open, or jar game, except for one used under Title 23, chapter 7, under part 5 of this chapter, in a bingo game approved by the department under part 4 of this chapter, or in a promotional game of chance approved by the department; and

(b) an apparatus, implement, or device, by whatever name known, specifically designed to be used in conducting an illegal gambling enterprise, including a faro box, faro layout, roulette wheel, roulette table, craps table, or slot machine, except as provided in 23-5-153.

(22) "Illegal gambling enterprise" means a gambling enterprise that violates or is not specifically authorized by a statute or a rule of the department. The term includes:

(a) a card game, by whatever name known, involving any bank or fund from which a participant may win money or other consideration and that receives money or other consideration lost by the participant and includes the card games of blackjack, twenty-one, jacks or better, baccarat, or chemin de fer;

(b) dice games known as craps, hazard, or chuck-a-luck, but not including patron dice games or activities authorized by 23-5-160;

(c) credit gambling; and

(d) internet gambling.

(23) (a) "Internet gambling", by whatever name known, includes but is not limited to the conduct of any legal or illegal gambling enterprise through the use of communications technology that allows a person using money, paper checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other instrumentality to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes, or other similar information.

(b) (i) The term includes online casinos, by whatever name known, which constitute internet gambling and therefore are prohibited. This includes but is not limited to any platform, website, or application that knowingly transmits or receives gambling information, allows consumers to place a bet or wager using any form of currency, and makes payouts of any form of currency.

(ii) Online casinos that do not allow the use of currency of any kind are not considered a gambling activity and therefore are permitted.

~~(b)~~*(c)* The term does not include the operation of a simulcast facility or advance deposit wagering with a licensed advance deposit wagering hub operator allowed by Title 23, chapter 4, the state lottery provided for in Title 23, chapter 7, or a raffle authorized under Title 23, chapter 5, part 4, that is sponsored by a nonprofit organization and that is registered with the department. If all aspects of the gaming are conducted on Indian lands in conformity with federal statutes and with administrative regulations of the national Indian gaming commission, the term does not include class II gaming or class III gaming as defined by 25 U.S.C. 2703.

(24) "Keno" means a game of chance in which prizes are awarded using a card with 8 horizontal rows and 10 columns on which a player may pick up to 10 numbers. A keno caller, using authorized equipment, shall select at random at least 20 numbers out of numbers between 1 and 80, inclusive.

(25) "Keno caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live keno.

(26) "License" means a license for an operator, dealer, card room contractor, manufacturer of devices not legal in Montana, sports tab game seller, manufacturer of electronic live bingo or keno equipment, other manufacturer, distributor, or route operator that is issued to a person by the department.

(27) "Licensee" means a person who has received a license from the department.

(28) "Live card game" or "card game" means a card game that is played in public between persons on the premises of a licensed gambling operator or in a senior citizen center.

(29) (a) "Lottery" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have paid or promised to pay valuable consideration for the chance of obtaining the property or a portion of it or for a share or interest in the property upon an agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance.

(b) The term does not mean lotteries authorized under Title 23, chapter 7.

(30) "Manufacturer" means a person who:

(a) assembles from raw materials or subparts a completed piece of equipment or pieces of equipment of any kind to be used as a gambling device and who sells the equipment directly to a licensed distributor, route operator, or operator;

(b) possesses gambling devices or components of gambling devices for the purpose of testing them; or

(c) purchases gambling devices or components from licensed manufacturers, distributors, route operators, or operators as trade-ins or to refurbish, rebuild, or repair to sell to licensed manufacturers, distributors, route operators, or operators.

(31) "Nonprofit organization" means an organization established as a nonprofit to support charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, senior citizens', or service organizations' charitable activities, scholarships or educational grants, or community service projects.

(32) "Operator" means a person who purchases, receives, or acquires, by lease or otherwise, and operates or controls for use in public a gambling device or gambling enterprise authorized under parts 1 through 8 of this chapter.

(33) "Ownership" or "ownership interest" means the ability to:

(a) share in the profits, losses, or liabilities of a gambling operation;

(b) enjoy the privileges reserved to licensees; or

(c) control a gambling operation.

(34) (a) "Patron dice games" means dice games involving wagers played by two or more patrons over 18 years of age on the premises of a licensed gambling operator that the licensee does not promote and in which the licensee does not participate or acquire a financial interest either as the bank of the game or as the source of credit for players.

(b) The term does not include:

(i) an illegal gambling enterprise as defined in this section; or

(ii) activities authorized by 23-5-160.

(35) "Permit" means approval from the department to make available for public play a gambling device or gambling enterprise approved by the department pursuant to parts 1 through 8 of this chapter.

(36) "Person" or "persons" means both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and societies, including religious and charitable organizations.

(37) "Premises" means the physical building or property within or upon which a licensed gambling activity occurs, as stated on an operator's license application and approved by the department.

(38) "Promotional game of chance" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have not paid or are not expected to pay any valuable consideration or who have not purchased or are not expected to purchase any goods or services for a chance to obtain the property, a portion of it, or a share in it. The property is disposed of or distributed by simulating a gambling enterprise authorized by parts 1 through 8 of this chapter or by operating a device or enterprise approved by the department that was manufactured or intended for use for purposes other than gambling.

(39) "Public gambling" means gambling conducted in:

(a) a place, building, or conveyance to which the public has access or may be permitted to have access;

(b) a place of public resort, including but not limited to a facility owned, managed, or operated by a partnership, corporation, association, club, fraternal order, or society, including a religious or charitable organization; or

(c) a place, building, or conveyance to which the public does not have access if players are publicly solicited or the gambling activity is conducted in a predominantly commercial manner.

(40) "Raffle" means a form of lottery in which each participant pays valuable consideration for a ticket to become eligible to win a prize. Winners must be determined by a random selection process approved by department rule.

(41) "Route operator" means a person who:

(a) purchases from a licensed manufacturer, route operator, or distributor equipment of any kind for use in a gambling activity;

(b) leases the equipment to a licensed operator for use by the public; and

(c) may sell to a licensed operator equipment that had previously been authorized to be operated on a premises and may sell gambling equipment to a distributor or manufacturer.

(42) "Senior citizen center" means a facility operated by a nonprofit or governmental organization that provides services to senior citizens in the form of daytime or evening educational or recreational activities and does not provide living accommodations to senior citizens. Services qualifying under this definition must be recognized in the state plan on aging adopted by the department of public health and human services.

(43) (a) "Slot machine" means a mechanical, electrical, electronic, or other gambling device, contrivance, or machine that, upon insertion of a coin, currency, token, credit card, or similar object or upon payment of any valuable consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the gambling device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(b) This definition does not apply to video gambling machines authorized under part 6 of this chapter.

(44) "Video gambling machine" is a gambling device specifically authorized by part 6 of this chapter and the rules of the department."

Section 2. Section 23-5-123, MCA, is amended to read:

"**23-5-123. Disposal of fines and penalties for violation of gambling laws.** All fines and penalties collected by criminal, civil, or administrative process for a violation of a provision of parts 1 through 8 of this chapter or a rule of the department must be deposited in the ~~state general fund~~ *operating budget of the department of justice*."

Section 3. Section 23-5-154, MCA, is amended to read:

"**23-5-154. Soliciting participation in illegal gambling activity prohibited.** A person who purposely or knowingly advertises for or solicits another person to participate in an illegal gambling enterprise or use an illegal gambling device is guilty of a ~~misdemeanor~~ *crime* and is punishable under 23-5-161 *and 23-5-162*."

Section 4. Section 23-5-162, MCA, is amended to read:

"**23-5-162. Criminal liabilities -- felony.** (1) A person who purposely or knowingly violates a provision of parts 1 through 8 of this chapter, the punishment for which is a felony, may upon conviction be fined not more than $50,000 or imprisoned for not more than 10 years, or both, for each violation.

(2) In addition to any penalty imposed under subsection (1), the department shall revoke all licenses or permits issued to the person under parts 1 through 8 of this chapter and may not issue the person another license or permit under parts 1 through 8 of this chapter.

(3) A person who purposely or knowingly operates any type of illegal internet gambling site within the state's borders, including operating an online gambling site in the state through licensed or unlicensed offshore sources, is subject to felony criminal liabilities as provided under this section."

Approved May 12, 2025

CHAPTER NO. 627

[SB 560]

AN ACT GENERALLY REVISING LAWS RELATED TO NONPROFIT HOSPITAL COMMUNITY BENEFITS; ESTABLISHING REPORTING REQUIREMENTS FOR COMMUNITY BENEFIT EXPENSES; ASSESSING A FEE IF A NONPROFIT HOSPITAL'S COMMUNITY BENEFIT DOES NOT EQUAL OR EXCEED ITS POTENTIAL PROPERTY TAX LIABILITY; CREATING A CRITICAL ACCESS HEALTH CARE SPECIAL REVENUE ACCOUNT AND FUNDING PROGRAM; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 50-5-101 AND 50-5-121, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND APPLICABILITY DATES.

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

Section 1. Nonprofit hospital reporting requirements -- rulemaking authority. Each nonprofit hospital shall report its charity care and community benefit spending to the department of public health and human services in the manner provided for in 50-5-106 and by the department by rule. The report must include the following information related to the financial assistance and other community benefits spending the nonprofit hospital reported on schedule H of internal revenue service form 990 for the most recent tax year:

(1) the net community benefit expense the nonprofit hospital reported for community health improvement services and community benefit operations and for community building activities and how the expenses related to the needs identified in the most recent community health needs assessment the nonprofit hospital conducted as required under 26 U.S.C. 501(r)(3); and

(2) for expenses reported in the financial assistance at cost, other means-tested government programs, subsidized health services, and bad debt categories:

(a) the net community benefit expense amount reported on schedule H for financial assistance, other means-tested government programs, and subsidized health services;

(b) the total amount the nonprofit hospital reported for bad debt expenses;

(c) charitable contributions; and

(d) the net costs the nonprofit hospital incurred in each of those categories.

Section 2. Community benefit to equal potential property tax liability -- fee. (1) (a) Each nonprofit hospital shall provide a total annual community benefit that exceeds the prior year's potential property tax liability the nonprofit hospital would have incurred during the hospital's tax year prior to the year in which the community benefit is provided.

(b) The community benefit must be calculated using the net community benefit expenses, net community building expenses, and total bad debt and medicare shortfall amounts listed by the nonprofit hospital on schedule H of internal revenue service form 990.

(2) Within 30 days of filing the required forms with the internal revenue service each year, each nonprofit hospital shall provide the department of public health and human services with a copy of schedule H for internal revenue service form 990 filed for the most recent tax year. The department of public health and human services shall determine whether the amount of community benefit reported on schedule H exceeds the statement of potential tax liability provided by the department of revenue pursuant to [section 4].

(3) If the amount of community benefit spending does not exceed the amount of the nonprofit hospital's potential tax liability for the prior year, the department of public health and human services shall assess the nonprofit hospital a fee equal to the difference between the potential tax liability for the prior year and the amount of reported community benefit spending.

(4) The department of public health and human services shall deposit money assessed pursuant to this section in the special revenue account provided for in [section 3].

Section 3. Critical access health care special revenue account -- rulemaking authority. (1) There is an account in the state special revenue fund established in 17-2-102 to the credit of the department of public health and human services to support critical access health care base funding.

(2) The account consists of money collected from fees assessed pursuant to [section 2].

(3) Money in the account must be used by the department to provide funding no later than June 30 of each year on the basis of each bed to each critical access hospital.

Section 4. Statement of potential tax liability -- rulemaking authority. (1) The department of revenue shall prepare and provide to the department of public health and human services a statement of potential tax liability.

(2) (a) Except as provided in subsection (2)(b), for the purposes of determining potential tax liability, the department of revenue shall treat nonprofit hospital property as class four commercial property pursuant to 15-6-134. The department of revenue shall calculate the property tax using the prior year estimated taxable value and the prior year mills levied by each taxing jurisdiction in which the nonprofit hospital is located.

(b) The department of revenue may not include a property owned by a nonprofit hospital in its calculation to determine potential tax liability if the hospital pays property taxes on that property.

(3) If a nonprofit hospital owns real property in multiple counties, the department of revenue shall prepare a single statement that reflects the total potential tax liability of all the nonprofit hospital's real property.

(4) The department of revenue shall adopt rules providing a process for a nonprofit hospital to dispute the determination of assessed or taxable value of nonprofit hospital property used to establish the potential tax liability.

(5) For the purposes of this section, "potential tax liability" means the amount of property taxes a nonprofit hospital would have owed on its real property in the prior tax year if the nonprofit hospital had not been exempt from taxation under 15-6-201.

Section 5. Section 50-5-101, MCA, is amended to read:

"**50-5-101. Definitions.** As used in parts 1 through 3 of this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation" means a designation of approval.

(2) "Activities of daily living" means tasks usually performed in the course of a normal day in a resident's life that include eating, walking, mobility, dressing, grooming, bathing, toileting, and transferring.

(3) "Adult day-care center" means a facility, freestanding or connected to another health care facility, that provides adults, on a regularly scheduled basis, with the care necessary to meet the needs of daily living but that does not provide overnight care.

(4) (a) "Adult foster care home" means a private home or other facility that offers, except as provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the

owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager.

(b) As used in this subsection (4), the following definitions apply:

(i) "Aged person" means a person as defined by department rule as aged.

(ii) "Custodial care" means providing a sheltered, family-type setting for an aged person or disabled adult so as to provide for the person's basic needs of food and shelter and to ensure that a specific person is available to meet those basic needs.

(iii) "Disabled adult" means a person who is 18 years of age or older and who is defined by department rule as disabled.

(iv) (A) "Light personal care" means assisting the aged person or disabled adult in accomplishing such personal hygiene tasks as bathing, dressing, and hair grooming and supervision of prescriptive medicine administration.

(B) The term does not include the administration of prescriptive medications.

(5) "Affected person" means an applicant for a certificate of need, a long-term care facility located in the geographic area affected by the application, an agency that establishes rates for long-term care facilities, or a third-party payer who reimburses long-term care facilities in the area affected by the proposal.

(6) "Assisted living facility" means a congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services.

(7) "Capital expenditure" means:

(a) an expenditure made by or on behalf of a long-term care facility that, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance; or

(b) a lease, donation, or comparable arrangement that would be a capital expenditure if money or any other property of value had changed hands.

(8) "Certificate of need" means a written authorization by the department for a person to proceed with a proposal subject to 50-5-301.

(9) "Chemical dependency facility" means a facility whose function is the treatment, rehabilitation, and prevention of the use of any chemical substance, including alcohol, that creates behavioral or health problems and endangers the health, interpersonal relationships, or economic function of an individual or the public health, welfare, or safety.

(10) "Clinical laboratory" means a facility for the microbiological, serological, chemical, hematological, radiobioassay, cytological, immunohematological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of a disease or assessment of a medical condition.

(11) "Community benefit" is the federally reported community benefit calculated using the net community benefit expenses, net community building expenses, and total bad debt and medicare shortfall amounts listed by the nonprofit hospital on internal revenue service form 990 schedule H.

~~(11)~~*(12)* "Comparative review" means a joint review of two or more certificate of need applications that are determined by the department to be competitive in that the granting of a certificate of need to one of the applicants would substantially prejudice the department's review of the other applications.

~~(12)~~*(13)* "Congregate" means the provision of group services designed especially for elderly or disabled persons who require supportive services and housing.

~~(13)~~*(14)* "Construction" means the physical erection of a new health care facility and any stage of the physical erection, including groundbreaking, or remodeling, replacement, or renovation of:

(a) an existing health care facility; or

(b) a long-term care facility as defined in 50-5-301.

~~(14)~~*(15)* "Critical access hospital" means a facility that is located in a rural area, as defined in 42 U.S.C. 1395ww(d)(2)(D), and that has been designated by the department as a critical access hospital pursuant to 50-5-233.

~~(15)~~*(16)* "Department" means the department of public health and human services provided for in 2-15-2201.

~~(16)~~*(17)* "Eating disorder center" means a facility that specializes in the treatment of eating disorders.

~~(17)~~*(18)* "End-stage renal dialysis facility" means a facility that specializes in the treatment of kidney diseases and includes freestanding hemodialysis units.

~~(18)~~*(19)* "Federal acts" means federal statutes for the construction of health care facilities.

~~(19)~~*(20)* "Governmental unit" means the state, a state agency, a county, municipality, or political subdivision of the state, or an agency of a political subdivision.

~~(20)~~*(21)* (a) "Health care facility" or "facility" means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes abortion clinics as defined in 50-20-901, chemical dependency facilities, critical access hospitals, eating disorder centers, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, residential treatment facilities, and rural emergency hospitals.

(b) The term does not include offices of private physicians, dentists, or other physical or mental health care workers regulated under Title 37, including licensed addiction counselors.

~~(21)~~*(22)* "Home health agency" means a public agency or private organization or subdivision of the agency or organization that is engaged in providing home health services to individuals in the places where they live. Home health services must include the services of a licensed registered nurse and at least one other therapeutic service and may include additional support services.

~~(22)~~*(23)* "Home infusion therapy agency" means a health care facility that provides home infusion therapy services.

~~(23)~~*(24)* "Home infusion therapy services" means the preparation, administration, or furnishing of parenteral medications or parenteral or enteral nutritional services to an individual in that individual's residence. The services include an educational component for the patient, the patient's caregiver, or the patient's family member.

~~(24)~~*(25)* "Hospice" means a coordinated program of home and inpatient health care that provides or coordinates palliative and supportive care to meet the needs of a terminally ill patient and the patient's family arising out of physical, psychological, spiritual, social, and economic stresses experienced during the final stages of illness and dying and that includes formal bereavement programs as an essential component. The term includes:

(a) an inpatient hospice facility, which is a facility managed directly by a medicare-certified hospice that meets all medicare certification regulations for freestanding inpatient hospice facilities; and

(b) a residential hospice facility, which is a facility managed directly by a licensed hospice program that can house three or more hospice patients.

~~(25)~~*(26)* (a) "Hospital" means a facility providing, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals. Except as otherwise provided by law, services provided must include medical personnel available to provide emergency care onsite 24 hours a day and may include any other service allowed by state licensing authority. A hospital has an organized medical staff that is on call and available within 20 minutes, 24 hours a day, 7 days a week, and provides 24-hour nursing care by licensed registered nurses. The term includes:

(i) hospitals specializing in providing health services for psychiatric, developmentally disabled, and tubercular patients; and

(ii) specialty hospitals.

(b) The term does not include critical access hospitals.

(c) The emergency care requirement for a hospital that specializes in providing health services for psychiatric, developmentally disabled, or tubercular patients is satisfied if the emergency care is provided within the scope of the specialized services provided by the hospital and by providing 24-hour nursing care by licensed registered nurses.

~~(26)~~*(27)* "Infirmary" means a facility located in a university, college, government institution, or industry for the treatment of the sick or injured, with the following subdefinitions:

(a) an "infirmary--A" provides outpatient and inpatient care;

(b) an "infirmary--B" provides outpatient care only.

~~(27)~~*(28)* (a) "Intermediate care facility for the developmentally disabled" means a facility or part of a facility that provides intermediate developmental disability care for two or more persons.

(b) The term does not include community homes for persons with developmental disabilities that are licensed under 53-20-305 or community homes for persons with severe disabilities that are licensed under 52-4-203.

~~(28)~~*(29)* "Intermediate developmental disability care" means the provision of intermediate nursing care services, health-related services, and social services for persons with a developmental disability, as defined in 53-20-102, or for persons with related problems.

~~(29)~~*(30)* "Intermediate nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed nurse to patients not requiring 24-hour nursing care.

~~(30)~~*(31)* "Licensed health care professional" means a licensed physician, physician assistant, advanced practice registered nurse, or registered nurse who is practicing within the scope of the license issued by the department of labor and industry.

~~(31)~~*(32)* (a) "Long-term care facility" means a facility or part of a facility that provides skilled nursing care, residential care, intermediate nursing care, or intermediate developmental disability care to a total of two or more individuals or that provides personal care.

(b) The term does not include community homes for persons with developmental disabilities licensed under 53-20-305; community homes for persons with severe disabilities, licensed under 52-4-203; youth care facilities, licensed under 52-2-622; hotels, motels, boardinghouses, roominghouses, or similar accommodations providing for transients, students, or individuals who do not require institutional health care; or correctional facilities operating under the authority of the department of corrections.

~~(32)~~*(33)* "Medical assistance facility" means a facility that meets both of the following:

(a) provides inpatient care to ill or injured individuals before their transportation to a hospital or that provides inpatient medical care to individuals needing that care for a period of no longer than 96 hours unless a longer period is required because transfer to a hospital is precluded because of inclement weather or emergency conditions. The department or its designee may, upon request, waive the 96-hour restriction retroactively and on a case-by-case basis if the individual's attending physician, physician assistant, or nurse practitioner determines that the transfer is medically inappropriate and would jeopardize the health and safety of the individual.

(b) either is located in a county with fewer than six residents a square mile or is located more than 35 road miles from the nearest hospital.

~~(33)~~*(34)* "Mental health center" means a facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients, the rehabilitation of mentally ill individuals, or any combination of these services.

~~(34)~~*(35)* "Nonprofit health care facility" means a health care facility owned or operated by one or more nonprofit corporations or associations.

(36) (a) "Nonprofit hospital" means a hospital owned or operated by one or more nonprofit corporations or associations.

(b) The term does not include specialty hospitals or hospitals specializing in providing health services for psychiatric, developmentally disabled, and tubercular patients.

~~(35)~~*(37)* "Offer" means the representation by a health care facility that it can provide specific health services.

~~(36)~~*(38)* (a) "Outdoor behavioral program" means a program that provides treatment, rehabilitation, and prevention for behavioral problems that endanger the health, interpersonal relationships, or educational functions of a youth and that:

(i) serves either adjudicated or nonadjudicated youth;

(ii) charges a fee for its services; and

(iii) provides all or part of its services in the outdoors.

(b) "Outdoor behavioral program" does not include recreational programs such as boy scouts, girl scouts, 4-H clubs, or other similar organizations.

~~(37)~~*(39)* "Outpatient center for primary care" means a facility that provides, under the direction of a licensed physician, either diagnosis or treatment, or both, to ambulatory patients and that is not an outpatient center for surgical services.

~~(38)~~*(40)* "Outpatient center for surgical services" means a clinic, infirmary, or other institution or organization that is specifically designed and operated to provide surgical services to patients not requiring hospitalization and that may include recovery care beds.

~~(39)~~*(41)* "Patient" means an individual obtaining services, including skilled nursing care, from a health care facility.

~~(40)~~*(42)* "Person" means an individual, firm, partnership, association, organization, agency, institution, corporation, trust, estate, or governmental unit, whether organized for profit or not.

~~(41)~~*(43)* "Personal care" means the provision of services and care for residents who need some assistance in performing the activities of daily living.

(44) "Potential tax liability" means a statement indicating the amount of property taxes a nonprofit hospital would have owed on its real property in the prior tax year if the nonprofit hospital had not been exempt from taxation under 15-6-201.

~~(42)~~*(45)* "Practitioner" means an individual licensed by the department of labor and industry who has assessment, admission, and prescription authority.

~~(43)~~*(46)* "Recovery care bed" means, except as provided in 50-5-235, a bed occupied for less than 24 hours by a patient recovering from surgery or other treatment.

~~(44)~~*(47)* "Rehabilitation facility" means a facility that is operated for the primary purpose of assisting in the rehabilitation of disabled individuals by providing comprehensive medical evaluations and services, psychological and social services, or vocational evaluation and training or any combination of these services and in which the major portion of the services is furnished within the facility.

~~(45)~~*(48)* "Resident" means an individual who is in a long-term care facility or in a residential care facility.

~~(46)~~*(49)* "Residential care facility" means an adult day-care center, an adult foster care home, an assisted living facility, or a retirement home.

~~(47)~~*(50)* "Residential psychiatric care" means active psychiatric treatment provided in a residential treatment facility to psychiatrically impaired individuals with persistent patterns of emotional, psychological, or behavioral dysfunction of such severity as to require 24-hour supervised care to adequately treat or remedy the individual's condition. Residential psychiatric care must be individualized and designed to achieve the patient's discharge to less restrictive levels of care at the earliest possible time.

~~(48)~~*(51)* "Residential treatment facility" means a facility operated for the primary purpose of providing residential psychiatric care to individuals under 21 years of age.

~~(49)~~*(52)* "Retirement home" means a building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence.

~~(50)~~*(53)* "Rural emergency hospital" means a facility defined in 42 U.S.C. 1395x(kkk)(2) that is designated by the department as a rural emergency hospital in accordance with 50-5-234.

~~(51)~~*(54)* "Skilled nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed registered nurse on a 24-hour basis.

~~(52)~~*(55)* (a) "Specialty hospital" means a subclass of hospital that is exclusively engaged in the diagnosis, care, or treatment of one or more of the following categories:

(i) patients with a cardiac condition;

(ii) patients with an orthopedic condition;

(iii) patients undergoing a surgical procedure; or

(iv) patients treated for cancer-related diseases and receiving oncology services.

(b) For purposes of this subsection ~~(52)~~ *(55)*, a specialty hospital may provide other services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals as otherwise provided by law if the care encompasses 35% or less of the hospital services.

(c) The term "specialty hospital" does not include:

(i) psychiatric hospitals;

(ii) rehabilitation hospitals;

(iii) children's hospitals;

(iv) long-term care hospitals; or

(v) critical access hospitals.

~~(53)~~*(56)* "State long-term care facilities plan" means the plan prepared by the department to project the need for long-term care facilities within Montana

and approved by the governor and a statewide health coordinating council appointed by the director of the department.

~~(54)~~*(57)* "Swing bed" means a bed approved pursuant to 42 U.S.C. 1395tt to be used to provide either acute care or extended skilled nursing care to a patient."

Section 6. Section 50-5-121, MCA, is amended to read:

"**50-5-121. Hospital discrimination based on ability to pay prohibited -- community benefit and financial assistance requirements.** (1) A hospital, critical access hospital, or rural emergency hospital must have in writing a policy applying to all patients, including medicaid and medicare patients, that prohibits discrimination based on a patient's ability to pay.

(2) A hospital, critical access hospital, or rural emergency hospital may not transfer a patient to another hospital or health care facility based on the patient's ability to pay for health care services.

(3) (a) A hospital operating as a nonprofit health care facility must have in writing:

(i) a financial assistance policy consistent with federal standards and standards established by the department, applicable to the area the hospital serves; and

(ii) a community benefit policy consistent with federal standards ~~and standards established by the department~~.

(b) A hospital, critical access hospital, or rural emergency hospital operating as a nonprofit health care facility shall:

(i) adhere to the written financial assistance and community benefit policies; and

(ii) make the policies available to the public.

~~(4) No later than July 1, 2024, the department shall adopt rules to implement the financial assistance and community benefit requirements of this part, which must be specific to the hospital and the area or areas it serves. Rules must include but are not limited to rules that:~~

~~(a) define financial assistance and community benefit consistent with federal standards, wherever possible;~~

~~(b) establish the standards for community benefit and financial assistance applicable to hospitals operating as nonprofit health care facilities consistent with federal standards, wherever possible; and~~

~~(c) establish penalties for failing to comply with 50-5-106 and this section.~~"

Section 7. Codification instruction. (1) [Sections 1 through 3] are intended to be codified as an integral part of Title 50, chapter 5, part 1, and the provisions of Title 50, chapter 5, part 1, apply to [sections 1 through 3].

(2) [Section 4] is intended to be codified as an integral part of Title 15, chapter 6, part 2, and the provisions of Title 15, chapter 6, part 2, apply to [section 4].

Section 8. Effective date. [This act] is effective January 1, 2027.

Section 9. Applicability. (1) [Section 1] applies to critical access hospitals beginning on January 1, 2027.

(2) [Sections 2 through 6] apply to critical access hospitals beginning on January 1, 2031.

Approved May 12, 2025

CHAPTER NO. 628

[SB 564]

AN ACT REQUIRING THE DEPARTMENT OF ADMINISTRATION TO CREATE AND MANAGE A WEBSITE TO INCREASE PUBLIC ACCESS TO AND TRANSPARENCY OF STATE PROCUREMENT TRANSACTIONS; PROVIDING REQUIREMENTS FOR THE INFORMATION TO BE POSTED ON THE WEBSITE; AND AMENDING SECTION 18-4-126, MCA.

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

Section 1. Section 18-4-126, MCA, is amended to read:

"**18-4-126. Public access to procurement information -- records -- retention.** (1) Procurement information is a public record and must be available to the public as provided in 2-6-1003, 18-4-303, and 18-4-304.

(2) All procurement records must be retained, managed, and disposed of in accordance with the provisions of Title 2, chapter 6, parts 10 and 11.

(3) Written determinations required by this chapter must be retained in the appropriate official contract file of the department or the purchasing agency administering the procurement in accordance with Title 2, chapter 6, parts 10 and 11.

(4) The department shall manage a website to improve the public's access to procurement information and to increase the transparency of the financial transactions and payments made by a purchasing agency. The department shall include information about each payment made by the department or a purchasing agency, including the name of the contractor, the purpose for which the payment was made, and the amount of the payment."

Approved May 12, 2025

CHAPTER NO. 629

[HB 6]

AN ACT IMPLEMENTING THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR GRANTS UNDER THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM; PRIORITIZING PROJECT GRANTS AND AMOUNTS; AMENDING SECTION 85-1-612, MCA; ESTABLISHING CONDITIONS FOR GRANTS; PROVIDING FOR THE COORDINATION OF FUNDING; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Appropriations. (1) There is appropriated from the natural resources projects state special revenue account established in 15-38-302 to the department of natural resources and conservation for the biennium beginning July 1, 2025, up to:

(a) $500,000 for emergency projects grants to be awarded by the department over the biennium;

(b) $1 million for planning grants to be awarded by the department over the biennium;

(c) $500,000 for irrigation development grants to be awarded by the department over the biennium;

(d) $150,000 for private grants to be awarded by the department over the biennium; and

(e) $500,000 for nonpoint source pollution reduction grants to be awarded by the department over the biennium.

(2) There is appropriated $4,750,000 from the natural resources projects state special revenue account established in 15-38-302 to the department of natural resources and conservation for the biennium beginning July 1, 2025. The funds in this subsection (2) must be awarded by the department to the named entities for the described purposes and in the grant amounts listed in subsection (4), subject to the conditions set forth in [sections 2 and 3] and the contingencies described in the renewable resource grant and loan program's January 2025 report to the 69th legislature titled: "Governor's Executive Budget Fiscal Years 2026–2027 Volume 6".

(3) Funds must be awarded up to the amounts approved in subsection (4) in the order of priority listed until the available funds are expended. Funds not accepted or used by higher-ranked projects must be provided for projects farther down the priority list that would not otherwise receive funding. If at any time a grant recipient determines that a project will not begin before June 30, 2027, the grant recipient shall notify the department of natural resources and conservation. After all eligible projects are funded, any remaining funds may be used for any renewable resource project authorized under this section.

(4) The prioritized infrastructure grant projects are as follows:

RENEWABLE RESOURCE INFRASTRUCTURE GRANT PROJECTS

Rank	Applicant/Project	Amount
1	Arlee Lake County Water and Sewer District Arlee Lake County Water and Sewer District Wastewater System Upgrades	$125,000
2	Whitehall, Town of Whitehall Drinking Water System Improvements	$125,000
3	Deer Lodge, City of Deer Lodge Wastewater Collection System Improvements	$125,000
4	Harrison Water and Sewer District Harrison Wastewater System Improvements	$125,000
5	Madison County Madison County Pennington Bridge Big Hole River Restoration	$125,000
6	South Wind County Water and Sewer District South Wind Drinking Water and Wastewater Improvements, Phase 4	$125,000
7	Willow Creek Sewer District Willow Creek Sewer District Wastewater System Improvements	$125,000
8	Roundup, City of Roundup Wastewater Lagoon System Upgrades	$125,000
9	Judith Basin County Judith Basin County Geyser Wastewater Treatment System Improvements	$125,000
10	Martinsdale Water and Sewer District Martinsdale Water and Sewer District Water System Improvements	$125,000
11	Alder Water and Sewer District Alder Water and Sewer District Wastewater System Improvements	$125,000
12	Fairfield, Town of Fairfield Drinking Water System Improvements	$125,000

13	Dutton, Town of	
Dutton Drinking Water System Improvements, Phase 2		$125,000
14	Circle, Town of	
Circle Water System Improvements, Phase 5		$125,000
15	Malta, City of	
Malta Drinking Water System Improvements		$125,000
16	Red Lodge, City of	
Red Lodge Wastewater System Improvements, Phases 2 and 3		$125,000
17	Hysham, Town of	
Hysham Drinking Water System Improvements, Phase 2		$125,000
18	Darby, Town of	
Darby Wastewater System Improvements		$125,000
19	Sheridan, Town of	
Sheridan Drinking Water System Improvements		$125,000
20	Richey, Town of	
Richey Drinking Water System Improvements, Phase 3		$125,000
21	Ennis, Town of	
Ennis Drinking Water System Improvements		$125,000
22	Basin Water and/or Sewer District	
Basin Water and/or Sewer District Drinking Water System Improvements		$125,000
23	Manhattan, Town of	
Manhattan Water System Improvements		$125,000
24	Cooke City Water District	
Cooke City Drinking Water Infrastructure Improvements		$125,000
25	Treasure State Acres Water and Sewer District	
Treasure State Acres Wastewater Treatment System Improvements		$125,000
26	St. Ignatius, Town of	
St. Ignatius Wastewater Collection Main Replacement		$125,000
27	Twin Bridges, Town of	
Twin Bridges Drinking Water System Improvements		$125,000
28	Libby, City of	
Libby Wastewater System Improvements		$125,000
29	Sun Prairie Village County Water and Sewer District	
Sun Prairie Village Drinking Water System Upgrades		$125,000
30	Plentywood, City of	
Plentywood Drinking Water System Improvements		$125,000
31	White Sulphur Springs, City of	
White Sulphur Springs Drinking Water System Improvements		$125,000
32	Big Timber, City of	
Big Timber Drinking Water Storage Improvements		$125,000
33	Wolf Point, City of	
Wolf Point Wastewater System Improvements, Phase 3		$125,000
34	Bigfork County Water and Sewer District	
Bigfork Drinking Water System Improvements		$125,000
35	Shelby, City of	
Shelby Wastewater System Improvements		$125,000
36	Ronan, City Of	
Ronan Wastewater System Improvements		$125,000
27	Bearcreek, Town of	
Bearcreek Drinking Water System Improvements, Phase 1		$125,000

38	Conrad, City of	
Conrad Wastewater System Improvements		$125,000
39	Pinesdale, Town of	
Pinesdale Drinking Water System Improvements		$125,000
40	Hinsdale County Water and Sewer District	
Hinsdale County Water and Sewer District Water System Upgrades		$125,000
41	Joliet, Town of	
Joliet Wastewater System Improvements		$125,000

(5) There is appropriated $2,744,500 from the natural resources projects state special revenue account established in 15-38-302 to the department of natural resources and conservation for the biennium beginning July 1, 2025. The funds in this subsection (5) must be awarded by the department to the named entities for the described purposes and in the grant amounts listed in subsection (7), subject to the conditions set forth in [sections 2 and 3] and the contingencies described in the renewable resource grant and loan program's January 2025 report to the 68th legislature titled: "Governor's Executive Budget Fiscal Years 2026–2027 Volume 6".

(6) Funds must be awarded up to the amounts approved in subsection (7) in the order of priority listed until the available funds are expended. Funds not accepted or used by higher-ranked projects must be provided for projects farther down the priority list that would not otherwise receive funding. If at any time a grant recipient determines that a project will not begin before June 30, 2027, the grant recipient shall notify the department of natural resources and conservation. After all eligible projects are funded, any remaining funds may be used for any renewable resource project authorized under this section.

(7) The prioritized irrigation grant projects are as follows:

RENEWABLE RESOURCE IRRIGATION GRANT PROJECTS

Rank	Applicant/Project	Amount
1	Pondera County Conservation District	
Pondera County Conservation District S-Canal Pipeline Conversion		$125,000
2	Yellowstone County	
Yellowstone County Billings Bench Water Association Rattlesnake Reservoir Water Management Improvements		$125,000
3	Yellowstone Irrigation District	
Yellowstone Irrigation District Canal Rehabilitation		$125,000
4	Lower Yellowstone Irrigation District #1	
Lower Yellowstone Irrigation District Thomas Point Pump Station Rehabilitation, Phase 2		$125,000
5	Savage Irrigation District	
Savage Irrigation District Pumping Plant Rehabilitation, Phase 2		$125,000
6	Clinton Irrigation District	
Clinton Irrigation District Schoolhouse Lateral Pipeline Conversion, Phase 4		$125,000
7	Helena Valley Irrigation District	
Helena Valley Irrigation District Lateral 26.6 and Lateral 20.7-3.3 Seepage Mitigation		$125,000
8	Helena Valley Irrigation District	
Helena Valley Irrigation District Pumping Plant Automation		$125,000
9	Greenfields Irrigation District	
Greenfields Irrigation District Check Replacement, Phase 2		$125,000

10	Tongue and Yellowstone River Irrigation District	
Tongue and Yellowstone River Irrigation District Cowles Creek Flume Replacement		$125,000
11	Tongue and Yellowstone River Irrigation District	
Tongue and Yellowstone River Irrigation District Jones Creek Flume and Canal Conversion		$125,000
12	Bitterroot Conservation District	
Bitterroot Conservation District Union Diversion Resource Improvements		$125,000
13	Fort Belknap Irrigation District	
Fort Belknap Irrigation District Main Canal Lining Project		$125,000
14	Petroleum County Conservation District	
Petroleum County Conservation District McDonald Creek Diversion Structures Replacement		$125,000
15	Malta Irrigation District	
Malta Irrigation District Black Coulee Siphon Replacement		$125,000
16	Yellowstone Irrigation District	
Yellowstone Irrigation District Lateral 17.6 Rehabilitation, Phase 1		$125,000
17	Sweet Grass Conservation District	
Sweet Grass Conservation District Crest Ditch Headgate Rehabilitation		$125,000
18	Petrolia Irrigation District	
Petrolia Irrigation District Main Canal Pipeline Conversion		$125,000
19	Glen Lake Irrigation District	
Glen Lake Irrigation District Doxie Slough Seepage Mitigation Project		$125,000
20	Hammond Irrigation District	
Hammond Irrigation District Big Porcupine Siphon Rehabilitation		$125,000
21	Sunset Irrigation District	
Headgate Repair		$20,000
22	Greenfields Irrigation District	
Greenfields Irrigation District J-Wasteway Modernization		$125,000
23	Bitter Root Irrigation District	
Bitter Root Irrigation District Diversion Control Modernization		$99,500
24	Zurich Irrigation District	
Zurich Irrigation District Brown Creek Siphon Rehabilitation		$125,000
25	Kinsey Irrigation District	
Kinsey Irrigation District Harris Creek Spill Structure Rehabilitation		$125,000
26	Kinsey Irrigation District	
Kinsey Irrigation District Hammerbacker Lateral to Pipeline Conversion		$125,000
27	Fort Shaw Irrigation District	
Fort Shaw Irrigation District Simms Creek Siphon Replacement		$125,000

Section 2. Coordination of fund sources for grants to political subdivisions and local governments. A grant recipient listed under [section 1(4) and (7)] may not receive funds from both the reclamation and development grants program and the renewable resource grant and loan program for the same project during the same biennium.

Section 3. Condition of grants. The disbursement of funds under [section 1] is subject to the following conditions that must be met by the grant recipient:

(1) The grant recipient must have a scope of work, schedule, and budget for the project that is approved by the department of natural resources and conservation. Any changes in scope of work or budget after legislative approval may not alter project goals and objectives. Changes in activities that would reduce the public or natural resource benefits as presented in department of natural resources and conservation reports and applicant testimony to the 69th legislature may result in a proportional reduction in the grant amount.

(2) The grant recipient must document that other matching funds required for completion of the project are firmly committed.

(3) The grant recipient must have a project management plan that is approved by the department of natural resources and conservation.

(4) The grant recipient shall comply with the auditing and reporting requirements provided for in 2-7-503 and establish a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles. Tribal governments shall comply with the auditing and reporting requirements provided for in 2 CFR 200.

(5) The grant recipient shall satisfactorily complete the conditions described in the recommendation section of the project narrative of the program report to the legislature for the biennium ending June 30, 2027, or, in the case of planning grants issued under [section 1(1)], complete the conditions specified at the time of written notification of the approved grant authority.

(6) The grant recipient shall execute a grant agreement with the department of natural resources and conservation.

(7) Any other specific requirements considered necessary by the department must be met to accomplish the purpose of the grant as evidenced from the application to the department or from the proposal as presented to the legislature.

Section 4. Appropriations established. There is appropriated to any entity of state government that receives a grant under [section 1] the amount of the grant upon award of the grant by the department of natural resources and conservation. Grants to entities from prior biennia are reauthorized for the completion of contract work.

Section 5. Approval of grants -- completion of biennial appropriation. The legislature, pursuant to 85-1-605, approves the renewable resource grant and loan program grants listed in [section 1]. The authorization of these grants constitutes a biennial appropriation from the natural resources projects state special revenue account established in 15-38-302.

Section 6. Section 85-1-612, MCA, is amended to read:

"**85-1-612. Rulemaking authority.** The department shall adopt rules:

(1) prescribing a reasonable application fee and the form and content of applications for grants and loans;

(2) governing the application of the criteria for awarding loans and grants to private persons;

(3) providing for the servicing of loans including arrangements for obtaining security interests and the establishment of reasonable fees or charges to be made;

(4) describing the terms and conditions for making grants and loans, the security instruments, and the agreements necessary;

(5) describing the ranking criteria used to evaluate and prioritize grants to governmental entities*, which must include a ratio calculated by dividing the amount of the locally provided match, which includes cash or capital*

improvement funds, by the annual operating budget for the system. Projects with a higher ratio of match may be given priority over other projects with a lower ratio, and consideration must be given to the size and cost of the proposed project, the number of users the project serves, and the ability of the applicant to fund the fund dedicated to capital improvements.

(6) specifying any other procedures necessary to accomplish the objectives of the renewable resource grant and loan program."

Section 7. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Coordination instruction. (1) If both [this act] and an act that provides additional funding for renewable resource grant and loan program grants from a source other than the natural resources projects state special revenue account established in 15-38-302 are passed and approved, the projects listed in [section 1(4) and (7) of this act] that do not receive funding from the appropriations in [section 1(2) and (5) of this act] may receive funding from the appropriation in the other act designated for renewable resource grant and loan program grants in the order of completion of the conditions of [section 3 of this act] and to the extent that there is appropriation authority available.

(2) Appropriations made in [section 1(1)(a) through(1)(e)] may be adjusted within [section 1(1)(a) through (1)(e)] within the biennium based on demand or emergencies.

Section 10. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 630

[HB 7]

AN ACT IMPLEMENTING THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR GRANTS UNDER THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM; PRIORITIZING PROJECT GRANTS AND AMOUNTS; ESTABLISHING CONDITIONS FOR GRANTS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Appropriations for reclamation and development grants. (1) There is appropriated up to $750,000 from the natural resources projects state special revenue account established in 15-38-302 to the department of natural resources and conservation for grants for planning reclamation and development projects to be awarded by the department over the course of the biennium beginning July 1, 2025.

(2) There is appropriated $5,523,260 from the natural resources projects state special revenue account established in 15-38-302 to the department of natural resources and conservation for grants to political subdivisions and local governments during the biennium beginning July 1, 2025. The funds in this subsection (2) must be awarded by the department to the named entities for the described purposes and in the grant amounts set out in subsection (4)

subject to the conditions set forth in [sections 2 and 3] and the contingencies described in the reclamation and development grants program report to the 69th legislature titled: "Governor's Executive Budget Fiscal Years 2026–2027 Volume 5".

(3) Funds must be awarded up to the amounts approved in this section in the order of priority listed in subsection (4) until the available funds are expended. Funds not accepted or used by higher-ranked projects must be provided for projects farther down the priority list that would not otherwise receive funding. After all eligible projects are funded, any remaining funds may be used for any reclamation and development project authorized under this section.

(4) The prioritized grant applicants and projects are as follows:

Rank	Applicant/Project	Amount
1	Powell County	
Upper Little Blackfoot Watershed Mine Reclamation Project		$495,123
2	Lewis and Clark County	
Upper Blackfoot Mining Complex Water Treatment Plant Upgrades		$479,085
3	Montana Department of Environmental Quality	
DEQ Landusky Biological Treatment Plant Improvement		$500,000
4	Powell County	
Milwaukee Roundhouse Soil Remediation Phase 2		$500,000
5	Cooke Pass, Cooke City, Silver Gate Sewer District	
Cooke City Wastewater System		$500,000
6	Beaverhead Conservation District	
Elkhorn Mine and Mill Remedy and Restoration		$300,000
7	DNRC Water Resources Division	
DNRC Willow Creek Dam Rehabilitation		$500,000
8	DNRC Water Resources Division	
DNRC East Fork of Rock Creek Dam Rehabilitation		$500,000
9	Montana Department of Environmental Quality	
DEQ CR Kendall Mine Long-Term Seep Water Management		$290,352
10	Ruby Valley Conservation District	
Upper Ruby River Habitat Rehabilitation Demonstration		$458,700
11	DNRC Water Resources Division	
Painted Rocks Dam Rehabilitation Phase I		$500,000
12	Milk River Joint Board of Control	
Milk River Joint Board of Control Fresno Dam and Spillway Rehabilitation Project		$500,000
13	Glasgow, City of	
Glasgow Levee Improvements		$243,445
14	Forsyth, City of	
Forsyth Slaughterhouse Creek Flood Mitigation		$500,000
15	DNRC Water Resources Division	
DNRC Front Range Flood Preparedness		$310,000
16	Montana Technological University	
Phytomining Remediation and Minerals Recovery Demonstration		$234,270

Section 2. Coordination of fund sources for grants to political subdivisions and local governments. A grant recipient listed under [section 1(4)] may not receive funds from both the reclamation and development grants program and the renewable resource grant and loan program for the same project during the same biennium.

Section 3. Condition of grants. The disbursement of funds under [section 1] is subject to the following conditions that must be met by the grant recipient:

(1) The grant recipient must have a scope of work, schedule, and budget for the project that is approved by the department of natural resources and conservation. Any changes in scope of work or budget subsequent to legislative approval may not alter project goals and objectives. Changes in activities that would reduce the public or natural resource benefits as presented in department of natural resources and conservation reports and applicant testimony to the 69th legislature may result in a proportional reduction in the grant amount.

(2) The grant recipient shall document that other matching funds required for the completion of the project are firmly committed.

(3) The grant recipient must have a project management plan that clearly outlines the roles of participating entities and that is approved by the department of natural resources and conservation.

(4) The grant recipient shall comply with the auditing and reporting requirements provided for in 2-7-503 and establish a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles. Tribal governments shall comply with the auditing and reporting requirements provided for in 2 CFR 200.

(5) The grant recipient shall submit documentation to the department demonstrating satisfactory completion of the conditions of described in the recommendation section of the project narrative of the program report to the legislature for the biennium ending June 30, 2027, or, in the case of planning grants issued under [section 1(1)], complete the conditions specified at the time of written notification of the approved grant authority.

(6) The grant recipient shall execute a grant agreement with the department of natural resources and conservation.

(7) Any other specific requirements considered necessary by the department must be met to accomplish the purpose of the grant as evidenced from the application to the department or from the proposal as presented to the legislature.

Section 4. Appropriations established. There is appropriated to any entity of state government that receives a grant under [section 1] the amount of the grant upon award of the grant by the department of natural resources and conservation. Grants to entities from prior biennia are reauthorized for the completion of contract work.

Section 5. Approval of grants -- completion of biennial appropriation. The legislature, pursuant to 90-2-1111, approves the reclamation and development grants listed in [section 1]. The authorization of these grants constitutes a biennial appropriation from the natural resources projects state special revenue account established in 15-38-302.

Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 7. Coordination instruction. (1) If both [this act] and an act that provides additional funding for reclamation and development grants from a source other than the natural resources projects state special revenue account established in 15-38-302 are passed and approved, the projects listed in [section 1(4) of this act] that do not receive funding from the appropriations in [section 1(2) of this act] may receive funding from the appropriation in the other act designated for reclamation and development grants as follows:

(a) in the order of completion of the conditions of [section 3 of this act]; and

(b) to the extent that there is appropriation authority available.

(2) If both [section 1(1)(b) of House Bill No. 6] and [section 1(1) of this act] are passed and approved and if all of the $750,000 in grant funds authorized in [section 1(1) of this act] are not expended for planning reclamation and development projects by the end of the biennium, then projects eligible for funding under [section 1(1)(b) of House Bill No. 6] are eligible to apply for funding under [section 1(1) of this act] for renewable resource project planning grants.

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 631

[HB 31]

AN ACT CLARIFYING CERTAIN BONDING REQUIREMENTS FOR WIND AND SOLAR GENERATION FACILITIES; PROVIDING FOR A DECOMMISSIONING LIEN; AMENDING SECTIONS 75-26-304 AND 75-26-308, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 75-26-304, MCA, is amended to read:

"**75-26-304. Bond -- penalty for failure to submit.** (1) (a) Within 12 months of a wind generation facility or solar facility commencing commercial operation, the owner of a wind generation facility or solar facility operating in Montana shall:

(i) notify the department in writing of the date that the facility began commercial operation;

(ii) subject to subsection (2), submit a plan for decommissioning the facility to the department, including the scope of work to be completed and cost estimates for completion; ~~and~~

(iii) submit to the department an abstract of any leasing agreement between a facility owner and a landowner on whose property the facility is sited; and

~~(iii)~~*(iv)* provide the department with any other necessary information in accordance with this part and rules adopted pursuant to this part in order for the department to determine bond requirements in accordance with this section.

(b) Except as provided in subsection (1)(c), if a wind generation facility or solar facility commenced commercial operation before May 7, 2019, the owner of the facility shall submit to the department the information required in subsection (1)(a) on or before July 1, 2020.

(c) If a wind generation facility commenced commercial operation before May 7, 2019, and the owner of the facility submitted information required by subsection (1)(a) on or before July 1, 2018, the owner is not required to resubmit the information.

(d) Within 90 days of a wind generation facility or solar facility commencing construction, the owner of the wind generation facility or solar facility shall notify the department that construction of the facility has commenced.

(2) If a property owner and the owner of a wind generation facility or solar facility reach an agreement concerning alternative restoration of buildings, cabling, electrical components, roads, or any other associated facilities, instead

of removal, or alternative plans for reclamation of surface lands, or both, decommissioning does not include removal, plans for reclamation, or both, as long as a copy of the agreement is provided to the department.

(3) (a) If necessary, the department may modify a plan for decommissioning to determine bond requirements in accordance with subsections (4) through (8).

(b) The department shall notify the owner of the facility of any modification. The owner of the wind generation facility or solar facility may appeal a modification by the department of a plan for decommissioning to the board within 60 days of receiving notice of the modification to the plan.

(4) *(a)* In determining the amount of a bond required in accordance with subsection (6), the department shall consider:

~~(a)~~*(i)* the character and nature of the site where the wind generation facility or solar facility is located; and

~~(b)~~*(ii)* the current market salvage value of the wind generation facility or solar facility, as determined by an independent evaluator.

(b) The amount of the decommissioning bond a facility owner shall pay is 100% of the amount calculated by the department pursuant to subsections (3) through (5) and (12).

(5) Except as provided in subsections (7) and (8) and in accordance with subsection (6), the owner of a wind generation facility or solar facility shall submit to the department a bond payable to the state of Montana in a form acceptable by the department and in the sum determined by the department, conditioned on the faithful decommissioning of the wind generation facility or solar facility.

(6) (a) Except as provided in subsections (7) and (8), if a wind generation facility or solar facility commenced commercial operation on or before January 1, 2007, the ~~operator~~ *owner* shall submit the decommissioning bond to the department prior to the conclusion of the 16th year of operation of the wind generation facility or solar facility.

(b) Except as provided in subsections (6)(d), (7), and (8), if a wind generation facility or solar facility commenced commercial operation after January 1, 2007, but before October 1, 2025, the owner shall submit the decommissioning bond to the department prior to the conclusion of the 15th year of operation of the wind generation facility or solar facility.

~~(b)~~*(c)* Except as provided in subsections *(6)(d),* (7), and (8), if a wind generation facility or solar facility commenced commercial operation ~~after January 1, 2007~~ *on or after October 1, 2025*, the ~~operator~~ *owner* shall submit the decommissioning bond to the department prior to the conclusion of the ~~15th~~ *12th* year of operation of the wind generation facility or solar facility.

(d) Except as provided in subsections (7) and (8), for a wind generation facility or solar facility with assets that are operating, constructed, or partially constructed, if a property lease for the facility terminates prior to the conclusion of the 12th year of operation of the facility, the owner shall submit the decommissioning bond to the department 1 year prior to the property lease termination date.

(7) If a wind generation facility or solar facility is repurposed, as determined by the department in consultation with the owner, the owner is not required to provide a bond, and any existing bond must be released until the repurposed facility reaches its 5th year of operation.

(8) An owner of a wind generation facility or solar facility is exempt from the requirements of subsection (6) if:

(a) *for that portion of a wind generation facility or solar facility,* the owner ~~posts~~ *has posted* a *decommissioning* bond with a federal agency, with the

department of natural resources and conservation for the lease of state land, or with a tribal, county, or local government;

(b) the owner furnishes documents to the department that prove the owner is responsible under the terms and conditions of a lease agreement to provide private bonding. The parties shall agree that release of the agreed ~~upon~~ *on* bond is subject to the approval of the department ~~upon~~ *on* completion of reclamation.

(c) the private landowner on whose land the wind generation facility or solar facility is located owns a 10% or greater share of the wind generation facility or solar facility, as determined by the department; or

(d) the facility:

(i) commenced commercial operation on or before January 1, 2018, is a wind generation facility, and has less than 25 megawatts in nameplate capacity; or

(ii) commenced commercial operation on or before January 1, 2020, is a solar facility, and has less than 2 megawatts in nameplate capacity.

(9) (a) If the owner of the wind generation facility or solar facility fails to submit a decommissioning bond acceptable to the department within the timeframe required by this section, the department shall provide notice to the facility owner. If after 30 days the owner of a wind generation facility or solar facility has not submitted a decommissioning bond, the department may assess an administrative penalty of not more than $1,500 and an additional administrative penalty of not more than $1,500 for each day the failure to submit the decommissioning bond continues.

(b) The owner of the wind generation facility or solar facility may appeal the department's penalty assessment to the board within 20 days after receipt of written notice of the penalty. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection (9).

(10) If the owner of a wind generation facility or solar facility transfers ownership of the facility to a successor owner, the first owner's bond must be released after 90 days. The new owner shall submit any necessary bond within 90 days after transfer of ownership or be subject to penalties in accordance with this section.

(11) Once every 5 years *after a facility is bonded*, the owner of a wind generation facility or solar facility may ~~submit an amended plan for the department's approval. As part of the submission, the owner of a wind generation facility or solar facility may also~~ apply to the department for a reduction in the amount of the decommissioning bond applicable to the wind energy facility or solar facility. The owner's application to the department must include a detailed description of any material changes to information considered by the department in setting the initial amount of the bond *and may include an amended decommissioning plan for the department's approval*.

(12) Submitting a bond in accordance with this section does not absolve the owner of a wind generation facility or solar facility from complying with applicable regulations and requirements for:

(a) areas subject to local zoning adopted under Title 76, chapter 2;

(b) military affected areas under Title 10, chapter 1, part 15; or

(c) airport affected areas under Title 67, chapter 7."

Section 2. Decommissioning lien. (1) For a wind generation facility or solar facility that has not submitted a bond to the department or within 30 days of abandonment of a wind generation facility or solar facility, the department shall file a lien on the generation assets of the facility in an amount not less than the estimated decommissioning costs in the decommissioning plan filed pursuant to 75-26-304 plus an annual inflationary amount determined by the department.

(2) The department shall release a lien secured pursuant to subsection (1) following the receipt and acceptance of a decommissioning bond submitted as required by 75-26-304(6)(b), (6)(c), or (6)(d).

(3) If the owner of a wind generation facility or solar facility fails to properly decommission a wind generation facility or solar facility and the owner has not commenced action to rectify deficiencies within 90 days after notice by the department, the department may foreclose on the lien. The department, through department staff, equipment, resources, and material under its control or a contract with others, may take any action necessary to decommission the wind generation facility or solar facility.

Section 3. Section 75-26-308, MCA, is amended to read:

"**75-26-308. Wind and solar decommissioning account -- use of existing resources.** (1) There is a wind and solar decommissioning account within the state special revenue fund established in 17-2-102. There must be paid into the account:

(a) penalties collected in accordance with 75-26-304(9);

(b) proceeds from the sale of assets secured by liens on a wind generation facility or solar facility that has been liquidated pursuant to [section 2(3)]; and

~~(b)~~*(c)* interest income earned on the account.

(2) Funds in the wind and solar decommissioning account are statutorily appropriated, as provided in 17-7-502, to the department.

(3) (a) Money in the account may only be used by the department in implementing this part and rules adopted pursuant to this part.

(b) The department shall administer this part using existing resources and money in the account pursuant to subsection (1).

(4) The department shall maintain and hold bonds or other surety received by the department as authorized in 75-26-304 for use in accordance with this part."

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

Section 5. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 75, chapter 26, part 3, and the provisions of Title 75, chapter 26, part 3, apply to [section 2].

Approved May 12, 2025

CHAPTER NO. 632

[HB 55]

AN ACT REVISING PUBLIC UTILITY RESOURCE PLANNING LAWS; PROVIDING TIMELINES; PROVIDING FOR AN INDEPENDENT EVALUATOR AND DUTIES; PROVIDING A DEFINITION; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 69-1-114, 69-3-1204, 69-3-1205, 69-3-1207, 69-3-1208, AND 69-8-421, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 69-1-114, MCA, is amended to read:

"**69-1-114. Fees.** (1) Each fee charged by the commission must be reasonable.

(2) Except for a fee assessed pursuant to 69-3-204(2), 69-3-1204(6)(b), ~~69-3-1207(4)(b)~~ *69-3-1207(5)(a)*, 69-3-1612(4), or 69-12-423(2), a fee set by the commission may not exceed $500.

(3) All fees collected by the ~~department~~ *commission* under 69-3-1204(6)(b) ~~and 69-3-1207(4)(b)~~ must be deposited in an account in the special revenue fund. Funds in this account must be used as provided in 69-3-1204(6)(b) ~~and 69-3-1207(4)(b)~~.

(4) All fees collected by the commission under 69-3-1612(4) must be treated as financing costs and used in accordance with a financing order issued in accordance with 69-3-1606."

Section 2. Section 69-3-1204, MCA, is amended to read:

"**69-3-1204. Integrated least-cost plan.** (1) (a) The commission shall adopt rules requiring a public utility to prepare and file a plan *at least* every 3 years for meeting the requirements of its customers in the most cost-effective manner consistent with the public utility's obligation to serve and in accordance with this part.

(b) The rules must prescribe the content and the time for filing a plan.

(2) (a) A plan must contain but is not limited to:

(i) an evaluation of the full range of cost-effective means for the public utility to meet the service requirements of its Montana customers, including conservation or similar improvements in the efficiency by which services are used and including demand-side management programs in accordance with 69-3-1209;

(ii) an annual electric demand and energy forecast developed pursuant to commission rules that includes energy and demand forecasts for each year within the planning period and historical data, as required by commission rule;

(iii) an assessment of planning reserve margins and contingency plans for the acquisition of additional resources developed pursuant to commission rules;

(iv) an assessment of the need for additional resources and the utility's plan for acquiring resources;

(v) the proposed process the utility intends to use to solicit bids for energy and capacity resources to be acquired through a competitive solicitation process in accordance with 69-3-1207; and

(vi) descriptions of at least two alternate scenarios that can be used to represent the costs and benefits from increasing amounts of renewable energy resources and demand-side management programs, based on rules developed by the commission.

(b) The utility shall fully explain, justify, and document the data, assumptions, methodologies, models, determinants, and any other inputs on which it relied to develop information required in subsection (2)(a).

(3) (a) The commission may adopt rules providing guidelines to be used in preparing a plan and identifying the criteria to be used in determining cost-effectiveness.

(b) The criteria may include externalities associated with the acquisition of a resource by a public utility.

(c) The rules must establish the minimum filing requirements for acceptance of a plan by the commission for further review. If a plan does not meet the minimum filing requirements, it must be returned to the public utility with a list of ~~deficiencies~~ *filing requirements not met*. A corrected plan must be submitted within the time established by the commission.

(4) A plan filed with the commission by a utility, as defined in 75-20-104, must be provided to the department of environmental quality and the consumer counsel.

(5) ~~The~~ *Within 120 days of receipt of a complete plan, the* commission ~~shall~~:

(a) *shall* review the plan;

(b) *shall* publish a copy of the plan;

(c) *shall* allow for a minimum of ~~60~~ *60* days for the public to comment on the plan; and

(d) *shall* provide public meetings in accordance with 69-3-1205.

(6) (a) The commission may identify deficiencies in the plan, including:

(i) any concerns of the commission regarding the public utility's compliance with commission rules; and

(ii) ways to remedy the concerns.

(b) The commission may engage independent engineering, financial, and management consultants or advisory services to evaluate a public utility's plan. The consultants ~~must have demonstrated~~ *shall demonstrate* knowledge and experience with resource procurement and resource portfolio management, modeling, risk management, and engineering practices. The commission shall charge a fee to the public utility to pay for the costs of consultants or advisory services. These costs are recoverable in rates."

Section 3. Section 69-3-1205, MCA, is amended to read:

"**69-3-1205. Public comment -- public meetings.** (1) When developing a plan in accordance with this part and prior to submitting a plan to the commission, a public utility shall hold at least ~~two~~ *four* public meetings in the utility's Montana service territory to ensure a plan best meets the diverse goals of shareholders, ratepayers, and society.

(2) The public utility shall consider written and oral comments respecting the proposed plan received during public meetings or meetings of the resource planning advisory committee held pursuant to 69-3-1208. The public utility shall summarize and respond to substantive comments received and file those as part of the plan.

~~(2)~~*(3)* After a plan is submitted, the commission ~~shall~~ *shall* conduct ~~two~~ *two* public meetings for the purpose of receiving comment on a plan. The commission or the department of public service regulation may comment on the plan. A comment by the commission or the department may not be construed as preapproval by the commission of rate treatment for any proposed resource.

~~(3)~~*(4)* The department of environmental quality:

(a) shall review a plan submitted to the commission and comment on the need for new resources, the alternatives evaluated to meet the need, the environmental implications of the resource choices, and other related issues that it considers important. The department shall coordinate and deliver all comments from other executive branch agencies.

(b) may use a plan in the development of studies for a specific energy facility for which an application for a certificate of compliance is submitted under Title 75, chapter 20.

~~(4)~~*(5)* The consumer counsel shall review and may comment on a submitted plan."

Section 4. Section 69-3-1207, MCA, is amended to read:

"**69-3-1207. Competitive solicitation process -- ~~Montana consumer counsel~~ *independent evaluator -- public service commission* role.** (1) (a) Except as provided in subsection ~~(5)~~ *(6)*, a public utility that intends to ~~seek approval by the commission pursuant to 69-8-421~~ *establish in rates* for the acquisition, construction, or purchase of an electricity supply resource shall conduct a competitive solicitation process.

(b) A public utility may not prohibit a qualifying small power production facility as defined in 69-3-601 or another utility or supplier that owns an electricity supply resource or intends to construct an electricity supply resource from participating in a competitive solicitation process.

(c) ~~A competitive solicitation process that is open to bids that would result in the ownership of an electricity supply resource by the public utility issuing the~~

~~solicitation must include the use of a third-party administrator selected by the public utility to open, consider, and evaluate bids submitted~~ *An independent evaluator must be used to oversee a public utility's competitive solicitation. The commission shall select the independent evaluator* pursuant to ~~a solicitation~~ *subsection (4).*

(d) An independent evaluator:

(i) shall monitor the evaluation of bids pursuant to a competitive solicitation;

(ii) shall provide oversight to ensure a fair and transparent competitive solicitation;

(iii) must be familiar with competitive bid and evaluation processes; and

(iv) shall evaluate and document the process used by the public utility to solicit and evaluate bids received during a competitive solicitation.

(e) A public utility may conduct a competitive solicitation in conjunction with the development of an integrated least-cost plan in accordance with 69-3-1204.

(2) A public utility that plans to conduct a competitive solicitation process shall submit the following information to the commission:

(a) a description of the competitive solicitation process that the public utility will use and proof of compliance with subsections (1)(b) and (1)(c), if applicable; and

(b) a complete draft of the proposal soliciting electricity supply resources, citing the ~~need for resources~~ *requested resource parameters and inviting bids from all resource types*.

(3) The commission ~~may accept public comment on the information~~ *shall provide notice and accept public comment regarding information received in accordance with subsection (2).*

(4) (a) ~~The Montana consumer counsel may request, select, and retain a person or organization to act as an independent monitor for a competitive solicitation process.~~ *Subject to public comments received pursuant to subsection (4)(b), the commission shall:*

(i) solicit, evaluate, and maintain a list of independent evaluators for the competitive solicitation process;

(ii) develop a process to disqualify and remove from the list those independent evaluators who do not comply with established qualifications or who may have a conflict of interest;

(iii) update the list at least every 3 years; and

(iv) after information is submitted to the commission in accordance with subsection (2) and subject to rules adopted by the commission pursuant to subsection (4)(c), select an independent evaluator from the list.

(b) The commission shall accept public comment when developing and updating the list.

(c) On or before July 1, 2026, the commission shall adopt rules for:

(i) evaluating independent evaluators for inclusion on the list;

(ii) selecting an independent evaluator in accordance with this section;

(iii) implementing this subsection (4); and

(iv) prescribing the scope of work for the independent evaluator pursuant to the duties in [section 5].

~~(b)~~*(5) (a)* The ~~commission shall~~ *commission may* charge a fee to the public utility to pay for the costs of *selecting and representing* an independent ~~monitor~~ *evaluator. This fee must be deposited in the state special revenue fund to the credit of the department for expenses incurred selecting the independent evaluator.* These costs are recoverable in rates.

~~(c) The independent monitor may assist the Montana consumer counsel by:~~

~~(i) providing comments on the consistency of the competitive solicitation process with industry standards;~~

~~(ii) monitoring and observing the competitive solicitation process, paying particular attention to the public utility's evaluation of electricity supply resources that may result in utility ownership of the resource, to ensure that the utility conducts a fair and proper process in accordance with industry standards;~~

~~(iii) notifying the utility and the consumer counsel on a timely basis prior to the utility's selection of the resources of any discrepancies observed in the process and resolving any differences of opinion; and~~

~~(iv) preparing a closing report prior to the final selection of the resources regarding the consistency of the process, including selection and notification of electricity supply resources taking part in the solicitation process based on industry standards.~~

(b) After the commission selects an independent evaluator in accordance with subsection (4), the public utility shall execute a contract for service with the independent evaluator. The contract must include the scope of work developed pursuant to subsection (4)(c)(iv) and the duties in [section 5].

~~(5)~~*(6)* This section does not apply to:

(a) a request for proposals or purchase by a public utility intended solely to meet the short-term operational needs of the utility for a period of less than 12 months; or

(b) an application made to the commission by a public utility to acquire, construct, or purchase an opportunity resource.

~~(6)~~*(7)* For the purposes of this section, "opportunity resource" means an electricity supply resource necessary to meet a need demonstrated in a plan in accordance with 69-3-1204(2)(a)(iv) that is either new or existing and that remains unknown as to its availability for purchase until an opportunity to purchase arises."

Section 5. Independent evaluator role. (1) The independent evaluator shall oversee the competitive solicitation conducted by the public utility to protect the public interest and advance the policies in 69-3-1202.

(2) The independent evaluator shall:

(a) provide comments to the public utility and the commission on the fairness, transparency, and consistency of a competitive solicitation process with industry standards;

(b) monitor, evaluate, and observe the competitive solicitation process, paying particular attention to the public utility's evaluation of electric supply resources that may result in utility ownership of the resource to ensure that the utility conducts a fair and proper process in accordance with industry standards;

(c) notify the utility and the commission on a timely basis prior to the utility selection of the resources of any discrepancies observed in the process and resolve any differences of opinion; and

(d) prepare a closing report prior to the final selection of the resources regarding the fairness, transparency, and consistency of the process, including selection and notification of electricity supply resources taking part in the solicitation process based on industry standards. Public utilities shall include the closing report in applications for future cost-recovery dockets. The closing report must be made available to the public.

(3) The commission shall grant the independent evaluator the right of intervention in future cost-recovery proceedings for the purpose of entering the closing report into the evidentiary record during discovery and hearings.

Section 6. Section 69-3-1208, MCA, is amended to read:

"**69-3-1208. Resource planning -- advisory committee.** (1) A public utility shall maintain a broad-based advisory committee to review, evaluate,

and make recommendations on technical, economic, and policy issues related to a utility's electricity system.

(2) The committee may advise the utility on demand-side management, portfolio planning, and management and procurement completed in accordance with this part.[2]

(3) The utility shall publish the committee membership.

(4) A committee meeting must be open to the public unless the majority of committee members vote to close the advisory meeting."

Section 7. Section 69-8-421, MCA, is amended to read:

"**69-8-421. Approval of electricity supply resources.** (1) A public utility may apply to the commission for approval of an electricity supply resource that:

(a) is not yet procured; and

(b) is subject to a competitive solicitation process when applicable in accordance with 69-3-1207.

(2) Within 45 days of the public utility's submission of an application for approval, the commission shall determine whether or not the application is adequate and in compliance with the commission's minimum filing requirements. If the commission determines that the application is inadequate, it shall explain the deficiencies.

(3) The commission shall issue an order within 180 days of receipt of an adequate application for approval of a power purchase agreement from an existing generating resource unless it determines that extraordinary circumstances require additional time.

(4) (a) Except as provided in subsections (4)(b) through (4)(d), the commission shall issue an order within 270 days of receipt of an adequate application for approval of a lease, an acquisition of an equity interest in a new or existing plant or equipment used to generate electricity, or a power purchase agreement for which approval would result in construction of a new electric generating resource. The commission may extend the time limit up to an additional 90 days if it determines that extraordinary circumstances require it.

(b) If an air quality permit pursuant to Title 75, chapter 2, is required for a new electrical generation resource or a modification to an existing resource, the commission shall hold the public meetings on the application for approval in accordance with ~~69-3-1205(2)~~ *69-3-1205(3)* at least 30 days after the issuance of the final air quality permit.

(c) If a final air quality permit is not issued within the time limit pursuant to subsection (4)(a), the commission shall extend the time limit in order to comply with subsection (4)(b).

(d) The commission may extend the time limit for issuing an order for an additional 60 days following the meetings pursuant to subsection (4)(b).

(5) To facilitate timely consideration of an application, the commission may initiate proceedings to evaluate planning and procurement activities related to a potential resource procurement, if necessary, in accordance with 69-3-1207 prior to the public utility's submission of an application for approval.

(6) (a) The commission may approve or deny, in whole or in part, an application for approval of an electricity supply resource.

(b) The commission may consider all relevant information known up to the time that the administrative record in the proceeding is closed in the evaluation of an application for approval.

(c) A commission order granting approval of an application must include the following findings:

(i) approval, in whole or in part, is in the public interest; and

(ii) procurement of the electricity supply resource is consistent with the requirements and objectives in 69-3-201, 69-3-1201 through 69-3-1209, and commission rules.

(d) The commission order may include a provision for allowable generation assets cost of service when the utility has filed an application for the lease or acquisition of an equity interest in a plant or equipment used to generate electricity.

(e) When issuing an order for the acquisition of an equity interest or lease in a facility or equipment that is constructed after January 1, 2007, and that is used to generate electricity that is primarily fueled by natural or synthetic gas, the commission shall require the applicant to implement cost-effective carbon offsets. Expenditures required for cost-effective carbon offsets pursuant to this subsection (6)(e) are fully recoverable in rates. By March 31, 2008, the commission shall adopt rules for the implementation of this subsection (6)(e).

(f) The commission order may include other findings that the commission determines are necessary.

(g) A commission order that denies approval must describe why the findings required in subsection (6)(c) could not be reached.

(h) The commission order must approve or deny an initial cost finding, in whole or in part. Any additional costs in excess of the commission approved amount must be approved or denied, in whole or in part, in a subsequent proceeding.

(7) Notwithstanding any provision of this chapter to the contrary, if the commission has issued an order containing the findings required under subsection (6)(c), the commission may not subsequently disallow the recovery of costs related to the approved electricity supply resource based on contrary findings.

(8) Until the state or federal government has adopted uniformly applicable statewide standards for the capture and sequestration of carbon dioxide, the commission may not approve an application for the acquisition of an equity interest or lease in a facility or equipment used to generate electricity that is primarily fueled by coal and that is constructed after January 1, 2007, unless the facility or equipment captures and sequesters a minimum of 50% of the carbon dioxide produced by the facility. Carbon dioxide captured by a facility or equipment may be sequestered offsite from the facility or equipment.

(9) Nothing limits the commission's ability to subsequently, in any future rate proceeding, inquire into the manner in which the public utility has managed, dispatched, operated, or maintained any resource or managed any power purchase agreement as part of its overall resource portfolio. The commission may subsequently disallow rate recovery for the costs that result from the failure of a public utility to reasonably manage, dispatch, operate, maintain, or administer electricity supply resources in a manner consistent with 69-3-201 and commission rules.

(10) The commission shall adopt rules prescribing minimum filing requirements for applications filed pursuant to this part."

Section 8. Appropriation. There is appropriated $200,000 from the general fund to the public service commission for the biennium beginning July 1, 2025, to the meet the requirements of [this act].

Section 9. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 69, chapter 3, part 12, and the provisions of Title 69, chapter 3, part 12, apply to [section 5].

Section 10. Contingent voidness. If [this act] does not include the appropriation pursuant to [section 8], then [section 2(5)] is void.

Section 11. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 633

[HB 59]

AN ACT REVISING LAWS RELATED TO WATER WELL CONTRACTORS; REVISING WHO MAY CONTRACT ON BEHALF OF A LICENSED WATER WELL CONTRACTOR; CLARIFYING LICENSURE REQUIREMENTS FOR THE ABANDONMENT OR DECOMMISSIONING OF WELLS; INCREASING THE BOND AMOUNT REQUIRED FOR WATER WELL CONTRACTOR LICENSURE; REVISING COMPLAINT AND INVESTIGATION PROCEDURES; AND AMENDING SECTIONS 37-43-301, 37-43-302, 37-43-306, AND 37-43-309, MCA.

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

Section 1. Section 37-43-301, MCA, is amended to read:

"**37-43-301. Licensed person to supervise all construction.** (1) Any firm, corporation, or partnership may engage in the business of constructing water wells provided a licensed water well contractor is placed in charge of all water well construction.

~~(2) The licensed water well contractor must be the individual who contracts on behalf of the firm, corporation, or partnership.~~

~~(3)~~*(2)* A licensed water well driller, pursuant to 37-43-305, must be employed by a licensed water well contractor."

Section 2. Section 37-43-302, MCA, is amended to read:

"**37-43-302. License required.** (1) The drilling, making, or construction of water wells and monitoring wells is declared to be a business and activity affecting the public interest and requiring reasonable standards of competence. Except as provided in subsection (2), it is unlawful for any water well contractor, water well driller, or monitoring well constructor to construct, *drill,* alter, *abandon, decommission,* or rehabilitate a water well or a monitoring well without first having obtained a valid license ~~therefor~~ *for the activity* as provided for in this chapter. An individual who is licensed as a water well contractor is not required to have a separate water well driller's license to perform the actual construction work on the well or a separate license to install monitoring wells.

(2) A license is not required for:

(a) a person who *constructs,* drills, alters, *abandons, decommissions,* or rehabilitates a water or monitoring well on land that is owned or leased by the person if:

(i) the land is used by the person for farming, ranching, or agricultural purposes or as the person's residence;

(ii) the person obtains a permit from the board; and

(iii) the construction of the well conforms to the minimum construction standards for water or monitoring wells set by board rule; or

(b) an apprentice water well driller who performs labor or services for a licensed water well contractor or driller in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well contractor or driller.

(3) (a) To obtain a permit under subsection (2)(a), a person shall file with the department an application containing the applicant's name and mailing address, the location of the proposed well, the nature of the applicant's

ownership interest in the property on which the well is to be located, the construction or installation method to be used, and the use for the proposed well.

(b) The board shall promptly issue a permit if it finds that:

(i) the well is located on land that the applicant owns or leases and that the applicant uses for farming, ranching, or agricultural purposes or as the applicant's residence; and

(ii) the construction or installation method to be used meets the minimum standards for water wells or monitoring wells set by board rule."

Section 3. Section 37-43-306, MCA, is amended to read:

"**37-43-306. Bond to be required.** (1) The department, on issuance of a water well contractor's or monitoring well constructor's license under this chapter, shall require, before the person commences operations in this state, a good and sufficient surety bond or its equivalent in a certificate of deposit, cashier's check, bank draft, or certified check, to be approved by the board, in the sum of ~~$4,000~~ *$25,000*, conditioned that the licensee will comply with the rules of the board.

(2) A person who is licensed in more than one category need supply only one surety bond or its equivalent in a certificate of deposit, cashier's check, bank draft, or certified check, to be approved by the board, for ~~$4,000~~ *$25,000*.

(3) A state or federal employee who is bonded by the state or federal government is not required to supply a bond during the course of employment with the state or federal government. A bond is required if the person ceases government employment.

(4) In lieu of the requirements of subsections (1) through (3), a firm, corporation, or partnership having more than two licensed water well contractors or monitoring well constructors may submit one bond in the amount of ~~$10,000~~ *$25,000* for the entire firm, corporation, or partnership."

Section 4. Section 37-43-309, MCA, is amended to read:

"**37-43-309. Complaints and investigations.** The board may investigate complaints against licensees to determine compliance with the laws and rules of this chapter. ~~Licensees must be given an opportunity to respond to complaints and demonstrate or achieve legal compliance prior to disciplinary action.~~ *Licensees must be given an opportunity to respond to a complaint, after which the board may begin disciplinary action under 37-43-310.* The board may require complainants and licensees to appear before the board to discuss complaints and to attempt to settle differences."

Approved May 12, 2025

CHAPTER NO. 634

[HB 69]

AN ACT REVISING HARD ROCK AND ROCK PRODUCTS MINING FEES; PROVIDING FOR AN ANNUAL SMALL MINER ADMINISTRATIVE FEE AND LATE FEE, AN EXPLORATION LICENSE RENEWAL FEE, AN OPERATING PERMIT APPLICATION FEE, AN ANNUAL PERMIT FEE FOR MINES AND ROCK PRODUCTS MINES, AND A FEE FOR PERMIT AMENDMENTS; CREATING A HARD-ROCK MINING PERMITTING PROGRAM ACCOUNT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-305, 82-4-311, 82-4-331, 82-4-332, 82-4-335, 82-4-339, 82-4-342, AND 82-4-343, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Hard-rock mining permitting program account. (1) There is a hard-rock mining permitting program account in the state special revenue fund established in 17-2-102. Money transferred to the fund by the legislature, fees collected in accordance with this part, and interest and income earned on money in the account must be deposited into the account.

(2) The department shall use money in the account to administer and enforce this part.

Section 2. Section 82-4-305, MCA, is amended to read:

"**82-4-305. Exemption -- small miners -- written agreement.** (1) Except as provided in subsections (3) through ~~(11)~~ *(12)*, the provisions of this part do not apply to a small miner if the small miner annually *submits a $100 administrative fee and* agrees in writing:

(a) that the small miner will not pollute or contaminate any stream;

(b) that the small miner will provide protection for human and animal life through the installation of bulkheads installed over safety collars and the installation of doors on tunnel portals;

(c) that the small miner will provide a map locating the miner's mining operations. The map must be of a size and scale determined by the department.

(d) if the small miner's operations are placer or dredge mining, that the small miner shall salvage and protect all soil materials for use in reclamation of that site and shall reclaim all land disturbed by the operations to comparable utility and stability as that of adjacent areas.

(2) For small-miner exemptions obtained after September 30, 1985, a small miner may not obtain or continue an exemption under subsection (1) unless the small miner annually certifies in writing:

(a) if the small miner is an individual, that:

(i) no business association or partnership of which the small miner is a member or partner has a small-miner exemption; and

(ii) no corporation of which the small miner is an officer, director, or owner of record of 25% or more of any class of voting stock has a small-miner exemption; or

(b) if the small miner is a partnership or business association, that:

(i) none of the associates or partners holds a small-miner exemption; and

(ii) none of the associates or partners is an officer, director, or owner of 25% or more of any class of voting stock of a corporation that has a small-miner exemption; or

(c) if the small miner is a corporation, that no officer, director, or owner of record of 25% or more of any class of voting stock of the corporation:

(i) holds a small-miner exemption;

(ii) is a member or partner in a business association or partnership that holds a small-miner exemption; *or*

(iii) is an officer, director, or owner of record of 25% or more of any class of voting stock of another corporation that holds a small-miner exemption.

(3) A small miner whose operations are placer or dredge mining shall post a performance bond equal to the state's documented cost estimate of reclaiming the disturbed land, although the bond may not exceed $10,000 for each operation. If the small miner has posted a bond for reclamation with another government agency, the small miner is exempt from the requirement of this subsection.

(4) If a small miner who conducts a placer or dredge mining operation fails to reclaim the operation, the small miner is liable to the department for all *of* its reasonable costs of reclamation, including a reasonable charge for services performed by state personnel and for state materials and equipment used. If

the small miner posts a surety bond, the surety is liable to the state to the extent of the bond amount and the small miner is liable for the remainder of the reasonable costs to the state of reclaiming the operation.

(5) If a small miner who conducts a placer or dredge mining operation fails to commence reclamation of the operation within 6 months after cessation of mining or within an extended period allowed by the department for good cause shown or if the small miner fails to diligently complete reclamation, the department shall notify the small miner by certified mail that it intends to reclaim the operation unless the small miner commences reclamation within 30 days and diligently completes the reclamation. The notice must be mailed to the address stated on the small miner exclusion statement or, if the small miner has notified the department of a different address by letter or in the annual certification form, to the most recent address given to the department. If the small miner fails to commence reclamation within 30 days or to diligently complete reclamation, the department may revoke the small miner exclusion statement, forfeit any bond that has been posted with the department, and enter and reclaim the operation. If the small miner has not posted a bond with the department or if the reasonable costs of reclamation exceed the amount of the bond, the department may also collect additional reclamation costs, as set forth in subsection (6), before or after it incurs those costs.

(6) To collect additional reclamation costs, the department shall notify the small miner by certified mail, at the address determined under subsection (5), of the additional reasonable reclamation costs and request payment within 30 days. If the small miner does not pay the additional reclamation costs within 30 days, the department may bring an action in district court for payment of the estimated future costs and, if the department has performed any reclamation, of its reasonable actual costs. The court shall order payment of costs that it determines to be reasonable and shall retain jurisdiction until reclamation of the operation is completed. Upon completion of reclamation, the court shall order payment of any additional costs that it considers reasonable or the refund of any portion of any payment for estimated costs that exceeds the actual reasonable costs incurred by the department.

(7) A small miner who intends to use a cyanide ore-processing reagent or other metal leaching solvents or reagents shall obtain an operating permit for that part of the small miner's operation in which the cyanide ore-processing reagent or other metal leaching solvents or reagents will be used or disposed of. The acreage disturbed by the operation using cyanide ore-processing reagents or other metal leaching solvents or reagents and covered by the operating permit is excluded from the 5-acre limit specified in 82-4-303(30)(a)(i) and (30)(a)(ii).

(8) (a) Except for a small miner proposing to conduct a placer or dredge mining operation, a small miner who intends to use an impoundment to store waste from ore processing shall obtain approval for the design, construction, operation, and reclamation of that impoundment and post a performance bond for that part of the small miner's operation before constructing an impoundment. The small miner shall post a performance bond equal to the state's documented cost estimate of reclaiming the disturbed land. If the small miner has posted a bond for reclamation of that site with a federal government agency, the small miner is exempt from the requirements of this subsection (8)(a).

(b) The department shall conduct a review of the adequacy of the bond posted by a small miner using an impoundment pursuant to this section at least once every 5 years and adjust the bond if necessary to ensure reclamation of the impoundment. The acreage disturbed by the portion of the operation

that uses an impoundment to store waste from ore processing is included in the 5-acre limit specified in 82-4-303(30)(a)(i) and (30)(a)(ii) and is subject to the provisions of this subsection (8).

(c) If a small miner under this subsection (8) fails to reclaim the operation, the small miner is liable to the department for all *of* its reasonable costs of reclamation, including a reasonable charge for services performed by state personnel and for state materials and equipment used. If the small miner posts a surety bond, the surety is liable to the state to the extent of the bond amount and the small miner is liable for the remainder of the reasonable costs to the state of reclaiming the operation.

(d) If a small miner under this subsection (8) fails to commence reclamation of the operation within 6 months after cessation of mining or within an extended period allowed by the department for good cause shown or if the small miner fails to diligently complete reclamation, the department shall notify the small miner by certified mail that it intends to reclaim the operation unless the small miner commences reclamation within 30 days and diligently completes the reclamation. The notice must be mailed to the address stated on the small miner exclusion statement or, if the small miner has notified the department of a different address by letter or in the annual certification form, to the most recent address given to the department. If the small miner fails to commence reclamation within 30 days or to diligently complete reclamation, the department may revoke the small miner exclusion statement, forfeit any bond that has been posted with the department, and enter and reclaim the operation. If the small miner has not posted a bond with the department or if the reasonable costs of reclamation exceed the amount of the bond, the department may also collect additional reclamation costs, as set forth in subsection (8)(e), before or after it incurs those costs.

(e) To collect additional reclamation costs, the department shall notify the small miner by certified mail, at the address determined under subsection (8)(d), of the additional reasonable reclamation costs and request payment within 30 days. If the small miner does not pay the additional reclamation costs within 30 days, the department may bring an action in district court for payment of the estimated future costs and, if the department has performed any reclamation, of its reasonable actual costs. The court shall order payment of costs that it determines to be reasonable and shall retain jurisdiction until reclamation of the operation is completed. Upon completion of reclamation, the court shall order payment of any additional costs that it considers reasonable or the refund of any portion of any payment for estimated costs that exceeds the actual reasonable costs incurred by the department.

(f) Except for a small miner who conducts a placer or dredge mining operation, a small miner utilizing an impoundment to store waste from ore processing on or after April 28, 2005, shall obtain approval of the design, construction, operation, and reclamation of that impoundment and post a performance bond within 6 months of April 28, 2005. If the small miner has posted a bond for reclamation of that site with a federal government agency, the small miner is exempt from the requirements of this subsection (8)(f).

(9) The exemption provided in this section does not apply to a person:

(a) whose failure to comply with the provisions of this part, the rules adopted under this part, or a permit or license issued under this part has resulted in the forfeiture of a bond, unless that person meets the conditions described under 82-4-360;

(b) who has not paid a penalty for which the department has obtained a judgment pursuant to 82-4-361;

(c) who has failed to post a reclamation bond required by this section, unless the department has certified that the area for which the bond should have been posted has been reclaimed by that person or reclaimed by the department and the person has reimbursed the department for the cost of the reclamation; or

(d) who has failed to comply with an abatement order issued pursuant to 82-4-362, unless the department has completed the abatement and the person has reimbursed the department for the cost of abatement.

(10) The exemption provided in this section does not apply to an area:

(a) under permit pursuant to 82-4-335;

(b) that has been permitted pursuant to 82-4-335 and reclaimed by the permittee, the department, or any other state or federal agency; or

(c) that has been reclaimed by or has been subject to remediation of contamination or pollution by a public agency, under supervision of a public agency, or using public funds.

(11) A small miner may not use mercury except in a contained facility that prevents the escape of any mercury into the environment.

(12) If a small miner fails to meet the annual reporting requirement in this section on or before March 1 of each year, the small miner shall pay a late fee of $100 in addition to the $100 administrative fee."

Section 3. Section 82-4-311, MCA, is amended to read:

"**82-4-311. Disposition of fees, fines, penalties, and other uncleared money.** *(1) (a)* ~~All fees, fines~~ *Fines*, penalties, and other uncleared money that has been or will be paid to the department under the provisions of this part must be placed in the environmental rehabilitation and response account in the state special revenue fund ~~provided for~~ *established* in 75-1-110.

(b) Funds held by the department as bond or as a result of bond forfeiture that are no longer needed for reclamation and for which the department is not able to locate a surety or other person who owns the funds after diligent search must be deposited in the environmental rehabilitation and response account in the state special revenue fund *established in 75-1-110.*

(2) Fees paid to the department under this part must be placed in the hard-rock mining permitting program account established in [section 1]."

Section 4. Section 82-4-331, MCA, is amended to read:

"**82-4-331. Exploration license required -- employees included -- limitation.** (1) *(a)* A person may not engage in exploration in the state without first obtaining an exploration license from the department. A license must be issued for a period of 1 year from the date of issue and is renewable from year to year on application. An application for renewal must be filed within 30 days preceding the expiration of the current license and be accompanied by payment of ~~a $25 renewal fee~~ *the fee specified in 82-4-342(2)(c), if applicable, and the following renewal fee:*

(i) for an exploration license approved for activities beneath the surface of the land, $400; or

(ii) for an exploration license approved for activities only on the surface of the land, $100.

(b) A license may not be renewed if the applicant for renewal is in violation of any provision of this part. A license is subject to suspension and revocation as provided by this part.

(2) Employees of persons holding a valid license under this part are included in and covered by the license.

(3) A person may not be issued an exploration license if:

(a) that person's failure, or the failure of any firm or business association of which that person was a principal or controlling member, to comply with the provisions of this part, the rules adopted under this part, or a permit or license

issued under this part has resulted in either the receipt of bond proceeds by the department or the completion of reclamation by the person's surety or by the department, unless that person meets the conditions described in 82-4-360;

(b) that person has not paid a penalty for which the department has obtained a judgment pursuant to 82-4-361;

(c) that person has failed to post a reclamation bond required by 82-4-305; or

(d) that person has failed to comply with an abatement order issued pursuant to 82-4-362, unless the department has completed the abatement and the person has reimbursed the department for the cost of the abatement."

Section 5. Section 82-4-332, MCA, is amended to read:

"**82-4-332. Exploration license.** (1) An exploration license must be issued to any applicant who:

(a) pays ~~a~~ *the following* fee ~~of $100~~ to the department*:*

(i) for a license approved for activities beneath the surface of the land, $2,000; *or*

(ii) for a license approved for activities only on the surface of the land, $1,000;

(b) agrees to reclaim any surface area damaged by the applicant during exploration operations, as may be reasonably required by the department; *and*

(c) is not in default of any other reclamation obligation under this law.

(2) An application for an exploration license must be made in writing, notarized, and submitted to the department in duplicate upon forms prepared and furnished by it. The application must include an exploration map or sketch in sufficient detail to locate the area to be explored and to determine whether significant environmental problems would be encountered. The department shall by rule determine the precise nature of the exploration map or sketch. The applicant shall state what type of prospecting and excavation techniques will be employed in disturbing the land.

(3) Prior to the issuance of an exploration license, the applicant shall file with the department a reclamation and revegetation bond in a form and amount as determined by the department in accordance with 82-4-338.

(4) In the event that the holder of an exploration license desires to mine the area covered by the exploration license and has fulfilled all of the requirements for an operating permit, the department shall allow the postponement of the reclamation of the acreage explored if that acreage is incorporated into the complete reclamation plan submitted with the application for an operating permit. Any land actually affected by exploration or excavation under an exploration license and not covered by the operating reclamation plan must be reclaimed within 2 years after the completion of exploration or abandonment of the site in a manner acceptable to the department."

Section 6. Section 82-4-335, MCA, is amended to read:

"**82-4-335. Operating permit -- limitation -- fees.** (1) A person may not engage in mining, ore processing, or reprocessing of tailings or waste material, construct or operate a hard-rock mill, use cyanide ore-processing reagents or other metal leaching solvents or reagents, or disturb land in anticipation of those activities in the state without first obtaining a final operating permit from the department. Except as provided in 82-4-343, a separate final operating permit is required for each complex.

(2) A small miner who intends to use a cyanide ore-processing reagent or other metal leaching solvents or reagents shall obtain an operating permit for that part of the small miner's operation where the cyanide ore-processing reagent or other metal leaching solvents or reagents will be used or disposed of.

(3) (a) Prior to receiving an operating permit from the department, a person shall pay ~~the basic permit fee of $500~~ *an application fee of $5,000, except that a person mining primarily rock products as defined in 82-4-303 shall pay an application fee of $500.*

(b) The department may require a person who is applying for a permit pursuant to subsection (1) to pay an additional fee not to exceed the actual amount of contractor and employee expenses beyond the normal operating expenses of the department whenever those expenses are reasonably necessary to provide for timely and adequate review of the application, including any environmental review conducted under Title 75, chapter 1, parts 1 and 2. The department may further define these expenses by rule. Whenever the department determines that an additional fee is necessary and the additional fee will exceed $5,000, the department shall notify the applicant that a fee must be paid and submit to the applicant an itemized estimate of the proposed expenses. The department shall provide the applicant an opportunity to review the department's estimated expenses. The applicant may indicate which proposed expenses the applicant considers duplicative or excessive, if any.

~~(b)~~*(c)* (i) Subject to subsection ~~(3)(b)(ii)~~ *(3)(c)(ii)*, a contractor shall, at the request of the applicant, directly submit invoices of contractor expenses to the applicant.

(ii) A contractor's work is assigned, reviewed, accepted, or rejected by the department pursuant to this section.

(4) The person shall submit an application on a form provided by the department, which must contain the following information and any other pertinent data required by rule:

(a) the name and address of the operator, the engineer of record if applicable, and, if a corporation or other business entity, the name and address of its officers, directors, owners of 10% or more of any class of voting stock, partners, and the like and its resident agent for service of process, if required by law;

(b) the minerals expected to be mined;

(c) a proposed reclamation plan;

(d) the expected starting date of operations;

(e) a map showing the specific area to be mined and the boundaries of the land that will be disturbed, the topographic detail, the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, and the location of proposed access roads to be built;

(f) the names and addresses of the owners of record and any purchasers under contracts for deed of the surface of the land within the permit area and the owners of record and any purchasers under contracts for deed of all surface area within one-half mile of any part of the permit area, provided that the department is not required to verify this information;

(g) the names and addresses of the present owners of record and any purchasers under contracts for deed of all minerals in the land within the permit area, provided that the department is not required to verify this information;

(h) the source of the applicant's legal right to mine the mineral on the land affected by the permit, provided that the department is not required to verify this information;

(i) the types of access roads to be built and manner of reclamation of road sites on abandonment;

(j) a plan that will provide, within limits of normal operating procedures of the industry, for completion of the operation;

(k) ground water and surface water hydrologic data gathered from a sufficient number of sources and length of time to characterize the hydrologic regime;

(l) a plan detailing the design, operation, and monitoring of impounding structures, including but not limited to tailings impoundments and water reservoirs, sufficient to ensure that the structures are safe and stable. For a tailings storage facility, this requirement is met by submission of a design document pursuant to 82-4-376, a panel report pursuant to 82-4-377, and a tailings operation, maintenance, and surveillance manual pursuant to 82-4-379 prior to issuance of a draft permit.

(m) a plan identifying methods to be used to monitor for the accidental discharge of objectionable materials and remedial action plans to be used to control and mitigate discharges to surface or ground water;

(n) an evaluation of the expected life of any tailings impoundment or waste area and the potential for expansion of the tailings impoundment or waste site. For a tailings storage facility, this requirement is met by submission of a design document pursuant to 82-4-376, a panel report pursuant to 82-4-377, and a tailings operation, maintenance, and surveillance manual pursuant to 82-4-379 prior to issuance of a draft permit.

(o) an assessment of the potential for the postmining use of mine-related facilities for other industrial purposes, including evidence of consultation with the county commission of the county or counties where the mine or mine-related facilities will be located.

(5) Except as provided in subsection (7), the permit provided for in subsection (1) for a large-scale mineral development, as defined in 90-6-302, must be conditioned to provide that activities under the permit may not commence until the impact plan is approved under 90-6-307 and until the permittee has provided a written guarantee to the department and to the hard-rock mining impact board of compliance within the time schedule with the commitment made in the approved impact plan, as provided in 90-6-307. If the permittee does not comply with that commitment within the time scheduled, the department, upon receipt of written notice from the hard-rock mining impact board, shall suspend the permit until it receives written notice from the hard-rock mining impact board that the permittee is in compliance.

(6) When the department determines that a permittee has become or will become a large-scale mineral developer pursuant to 82-4-339 and 90-6-302 and provides notice as required under 82-4-339, within 6 months of receiving the notice, the permittee shall provide the department with proof that the permittee has obtained a waiver of the impact plan requirement from the hard-rock mining impact board or that the permittee has filed an impact plan with the hard-rock mining impact board and the appropriate county or counties. If the permittee does not file the required proof or if the hard-rock mining impact board certifies to the department that the permittee has failed to comply with the hard-rock mining impact review and implementation requirements in Title 90, chapter 6, parts 3 and 4, the department shall suspend the permit until the permittee files the required proof or until the hard-rock mining impact board certifies that the permittee has complied with the hard-rock mining impact review and implementation requirements.

(7) Compliance with 90-6-307 is not required for exploration and bulk sampling for metallurgical testing when the aggregate samples are less than 10,000 tons.

(8) A person may not be issued an operating permit if:

(a) that person's failure, or the failure of any firm or business association of which that person was a principal or controlling member, to comply with the

provisions of this part, the rules adopted under this part, or a permit or license issued under this part has resulted in either the receipt of bond proceeds by the department or the completion of reclamation by the person's surety or by the department, unless that person meets the conditions described in 82-4-360;

(b) that person has not paid a penalty for which the department has obtained a judgment pursuant to 82-4-361;

(c) that person has failed to post a reclamation bond required by 82-4-305; or

(d) that person has failed to comply with an abatement order issued pursuant to 82-4-362, unless the department has completed the abatement and the person has reimbursed the department for the cost of abatement.

(9) A person may not be issued a permit under this part unless, at the time of submission of a bond, the person provides the current information required in subsection (4)(a) and:

(a) (i) certifies that the person is not currently in violation in this state of any law, rule, or regulation of this state or of the United States pertaining to air quality, water quality, or mined land reclamation; or

(ii) presents a certification by the administering agency that the violation is in the process of being corrected to the agency's satisfaction or is the subject of a bona fide administrative or judicial appeal; and

(b) if the person is a partnership, corporation, or other business association, provides the certification required by subsection (9)(a)(i) or (9)(a)(ii), as applicable, for any partners, officers, directors, owners of 10% or more of any class of voting stock, and business association members."

Section 7. Section 82-4-339, MCA, is amended to read:

"**82-4-339. Annual report of activities by permittee -- fee -- notice of large-scale mineral developer status.** (1) Within 30 days after completion or abandonment of operations on an area under permit or within 30 days after each anniversary date of the permit, whichever is earlier, or at a later date that may be provided by rule and each year after that date until reclamation is completed and approved, the permittee shall pay the *applicable* annual fee ~~of $100~~ *provided for in subsections (3) or (4)* and shall file a report of activities completed during the preceding year on a form prescribed by the department. The report must:

(a) identify the permittee and the permit number;

(b) locate the operation by subdivision, section, township, and range and with relation to the nearest town or other well-known geographic feature;

(c) estimate acreage to be newly disturbed by operation in the next 12-month period;

(d) include the number of persons on the payroll for the previous permit year and for the next permit year at intervals that the department considers sufficient to enable a determination of the permittee's status under 90-6-302(4);

(e) update the information required in 82-4-335(4)(a); and

(f) update any maps previously submitted or specifically requested by the department. The maps must show:

(i) the permit area;

(ii) the unit of disturbed land;

(iii) the area to be disturbed during the next 12-month period;

(iv) if completed, the date of completion of operations;

(v) if not completed, the additional area estimated to be further disturbed by the operation within the following permit year; and

(vi) the date of beginning, amount, and current status of reclamation performed during the previous 12 months.

(2) Whenever the department determines that the permittee has become or will, during the next permit year, become a large-scale mineral developer, it shall immediately serve written notice of that fact on the permittee, the hard-rock mining impact board, and the county or counties in which the operation is located.

(3) Except as provided in subsection (4):

(a) for a mine required to file a reclamation bond pursuant to 82-4-338(1)(a), a permittee shall pay the fee specified under 82-4-342(2)(c), if applicable, and an annual permit fee as follows:

(i) for a mine of 500 acres or more of a bonded disturbance, $5,000;

(ii) for a mine of 100 acres or more but less than 500 acres of a bonded disturbance, $3,000; or

(iii) for a mine of less than 100 acres of a bonded disturbance, $1,000; or

(b) for a mine not required to file a reclamation bond pursuant to 82-4-338(1)(a), a permittee shall pay the fee specified under 82-4-342(2)(c) or 82-4-343(3)(c), if applicable, and an annual permit fee of $100.

(4) Upon submission of an annual report of activities as required in subsection (1), a person permitted under this part to mine rock products as defined in 82-4-303 shall pay:

(a) the applicable fee specified under 82-4-342(2)(c) or 82-4-343(3)(c); and

(b) an annual permit fee as follows:

(i) when the report is submitted between July 1, 2025, and June 30, 2026, 25% of the applicable fee in subsection (3)(a);

(ii) when the report is submitted between July 1, 2026, and June 30, 2027, 50% of the applicable fee in subsection (3)(a);

(iii) when the report is submitted between July 1, 2027, and June 30, 2028, 75% of the applicable fee in subsection (3)(a); or

(iv) when the report is submitted on or after July 1, 2028, 100% of the applicable fee in subsection (3)(a)."

Section 8. Section 82-4-342, MCA, is amended to read:

"**82-4-342. Amendment to operating permits *and exploration licenses -- rulemaking -- fees.*** (1) During the term of an operating permit *or exploration license* issued under this part, an operator *or licensee* may apply for a ~~permit~~ revision as described in subsections ~~(5)(g)~~ *(6)(g)* through ~~(5)(j)~~ *(6)(l)* or an amendment to the permit *or license*. The operator may not apply for an amendment to delete disturbed acreage except following reclamation, as required under 82-4-336, and bond release for the disturbance, as required under 82-4-338.

(2) (a) The department may by rule establish criteria for the classification of amendments *to a permit or exploration license* as major or minor. The department shall adopt rules establishing requirements for the content of applications for revisions and major and minor amendments and the procedures for processing revisions and minor amendments.

(b) An amendment must be considered minor if:

(i) it is for the purpose of retention of mine-related facilities that are valuable for postmining use;

(ii) evidence is submitted showing that a local government has requested retention of the mine- related facilities for a postmining use; and

(iii) the postmining use of the mine-related facilities meets the requirements provided for in 82-4-336.

(c) An operator or licensee who is applying for a minor amendment or revision shall pay to the department a fee of $100. This fee must be included with the next annual fee payment required under 82-4-332(1) or 82-4-339(3).

(3) *(a)* ~~Applications for major amendments~~ *An application for a major amendment to an operating permit* must be processed pursuant to 82-4-337.

(b) Except as specified under 82-4-343(3)(c) or as provided in subsection (3)(c) of this section, an operator applying for a major amendment to an operating permit shall pay to the department a fee of $5,000 at the time of the application.

(c) A person mining primarily rock products as defined in 82-4-303 shall pay to the department a fee of $500 for an application for a major amendment.

(4) An applicant for an amendment to an exploration license shall pay to the department a fee of:

(a) for amendments that include activities beneath the surface of the land, $500; or

(b) for amendments that include activities only on the surface of the land, $250.

~~(4)~~*(5)* The department shall review an application for a revision or a minor amendment and provide a notice of decision on the adequacy of the application within 30 days. If the department does not respond within 30 days, then the permit is revised or amended in accordance with the application.

~~(5)~~*(6)* The department is not required to prepare an environmental assessment or an environmental impact statement for the following categories of action and permit revisions:

(a) actions that qualify for a categorical exclusion as defined by rule or justified by a programmatic review pursuant to Title 75, chapter 1;

(b) administrative actions, such as routine, clerical, or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions;

(c) repair or maintenance of the permittee's equipment or facilities;

(d) investigation and enforcement actions, such as data collection, inspection of facilities, or enforcement of environmental standards;

(e) ministerial actions, such as actions in which the agency does not exercise discretion, but acts upon a given state of facts in a prescribed manner;

(f) approval of actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

(g) changes in a permit boundary that increase disturbed acres that are insignificant in impact relative to the entire operation, provided that the increase is less than 25 acres or 10% of the permitted area, whichever is less;

(h) changes to an approved reclamation plan if the changes are consistent with this part and rules adopted pursuant to this part;

(i) changes in an approved operating plan for an activity that was previously permitted if the changes will be insignificant relative to the entire operation and the changes are consistent with subsection ~~(5)(g)~~ *(6)(g)*;

(j) changes in a permit for the purpose of retention of mine-related facilities that are valuable for postmining use;

(k) modifications to a tailings storage facility that result in a minor expansion to the facility if:

(i) the proposed modification is certified by the seal of the engineer of record;

(ii) the capacity increase resulting from the expansion is no greater than 15% of the capacity of the existing tailings storage facility; and

(iii) the modification complies with 82-4-376(2)(l) and (2)(dd) and is exempt under subsection ~~(5)(g), (5)(h), or (5)(i)~~ *(6)(g), (6)(h), or (6)(i)* of this section; and

(l) applications for rock product permits and amendments pursuant to 82-4-343."

Section 9. Section 82-4-343, MCA, is amended to read:

"**82-4-343. Operating permit -- rock products -- fees.** (1) A person may not engage in mining of rock products or disturb land in anticipation of mining

rock products before obtaining a final operating permit from the department pursuant to this section.

(2) (a) A person mining rock products or a landowner allowing another person to mine rock products from the landowner's land may obtain an operating permit for a single site or multiple sites if the operation or operations cumulatively disturb no more than 100 acres of the earth's surface and the single site or each of the multiple sites do not:

(i) operate within 100 feet of surface water or in ground water or impact any wetland, surface water, or ground water;

(ii) have any water impounding structures other than for storm water control;

(iii) adversely impact a member of or the critical habitat of a member of a wildlife species that is listed as threatened or endangered under the Endangered Species Act of 1973; or

(iv) impact significant historic or archaeological features.

(b) A landowner who is a permittee and allows another person to mine on the landowner's land is responsible for compliance with this part, the rules adopted pursuant to this part, and the permit for mining activities conducted on sites permitted pursuant to this subsection (2) with the landowner's permission. The performance bond required under this part is and must be conditioned upon compliance with this part, the rules adopted pursuant to this part, and the permit of the landowner and any person who mines with the landowner's consent.

(3) (a) Prior to receiving a final operating permit from the department, a person shall pay a basic permit application fee of $500. The department may require a person applying for a permit pursuant to subsection (1) to pay an additional fee not to exceed the actual amount of contractor and employee expenses beyond the normal operating expenses of the department whenever those expenses are reasonably necessary to provide for timely and adequate review of the application, including any environmental review conducted under Title 75, chapter 1, parts 1 and 2. The ~~board~~ *department* may further define these expenses by rule. Whenever the department determines that an additional fee is necessary and the additional fee will exceed $2,000, the department shall notify the applicant that a fee must be paid and submit to the applicant an itemized estimate of the proposed expenses. The department shall provide the applicant an opportunity to review the department's estimated expenses. The applicant may indicate which proposed expenses the applicant considers duplicative or excessive, if any.

(b) (i) Subject to subsection (3)(b)(ii), a contractor shall, at the request of the applicant, directly submit invoices of contractor expenses to the applicant.

(ii) A contractor's work is assigned, reviewed, accepted, or rejected by the department pursuant to this section.

(c) (i) A person applying for a minor amendment or revision to an operating permit shall pay to the department a fee of $100. This fee must be included with the next annual fee payment required by 82-4-339(3).

(ii) A person applying for a major amendment shall pay the department a fee of $500 at the time of the application.

(4) The person shall submit an application on a form provided by the department, which must contain the following information and any other pertinent data required by rule:

(a) the name and address of the operator, and, if a corporation or other business entity, the name and address of its officers, directors, owners of 10% or more of any class of voting stock, partners, and the like and its resident agent for service of process, if required by law;

(b) the rock products expected to be mined;

(c) a proposed reclamation plan;

(d) the expected starting date of operations;

(e) a map showing the specific area to be mined and the boundaries of the land that will be disturbed, the topographic detail, the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, and the location of proposed access roads to be built;

(f) the names and addresses of the owners of record and any purchasers under contracts for deed of the surface of the land within the permit area, provided that the department is not required to verify this information;

(g) the names and addresses of the present owners of record and any purchasers under contracts for deed of all minerals in the land within the permit area, provided that the department is not required to verify this information;

(h) the source of the applicant's legal right to mine the mineral on the land affected by the permit, provided that the department is not required to verify this information;

(i) the types of access roads to be built and manner of reclamation of road sites on abandonment;

(j) a plan that will provide, within limits of normal operating procedures of the industry, for completion of the operation;

(5) A person may not be issued an operating permit if:

(a) that person's failure, or the failure of any firm or business association of which that person was a principal or controlling member, to comply with the provisions of this part, the rules adopted under this part, or a permit or license issued under this part has resulted in either the receipt of bond proceeds by the department or the completion of reclamation by the person's surety or by the department, unless that person meets the conditions described in 82-4-360;

(b) that person has not paid a penalty for which the department has obtained a judgment pursuant to 82-4-361;

(c) that person has failed to post a reclamation bond required by 82-4-305; or

(d) that person has failed to comply with an abatement order issued pursuant to 82-4-362, unless the department has completed the abatement and the person has reimbursed the department for the cost of abatement.

(6) A person may not be issued a permit under this part unless, at the time of submission of a bond, the person provides the current information required in subsection (4)(a) and:

(a) (i) certifies that the person is not currently in violation in this state of any law, rule, or regulation of this state or of the United States pertaining to air quality, water quality, or mined land reclamation; or

(ii) presents a certification by the administering agency that the violation is in the process of being corrected to the agency's satisfaction or is the subject of a bona fide administrative or judicial appeal; and

(b) if the person is a partnership, corporation, or other business association, provides the certification required by 82-4-335(9)(a)(i) or (9)(a)(ii), as applicable, for any partners, officers, directors, owners of 10% or more of any class of voting stock, and business association members.

(7) The department's action on an application submitted under this section does not require an environmental review under Title 75, chapter 1, for the following:

(a) an application for a new permit resulting in less than 15 acres of total disturbance;

(b) an application to amend a permit resulting in less than 15 acres of total disturbance; and

(c) an application to amend a permit that has been analyzed under Title 75, chapter 1, that results in less than 25 acres of new disturbance."

Section 10. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 82, chapter 4, part 3, and the provisions of Title 82, chapter 4, part 3, apply to [section 1].

Section 11. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 635

[HB 84]

AN ACT REVISING FIRE MANAGEMENT LAWS; ESTABLISHING THE PRESCRIBED FIRE MANAGER CERTIFICATION AND LIABILITY ACT; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; LIMITING THE LIABILITY OF CERTIFIED PRESCRIBED FIRE MANAGERS; PROVIDING FOR APPLICABILITY AND ENFORCEMENT OF THE ACT; CREATING A FUND; REQUIRING A PERMIT BEFORE A PRESCRIBED FIRE MAY BE IGNITED OR SET; AMENDING SECTIONS 50-63-102, 50-63-103, 76-13-121, AND 76-13-122, MCA; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Short title. [Sections 1 through 8] may be cited as the "Prescribed Fire Manager Certification and Liability Act".

Section 2. Purpose. The purposes of [sections 1 through 8] are to establish a prescribed fire manager certification program and to establish a contingent liability standard.

Section 3. Definitions. For the purposes of [sections 1 through 8], the following definitions apply:

(1) "Certified prescribed fire manager" means a person who has successfully completed a prescribed fire manager certification program approved by the department and who is in good standing with the department.

(2) "Department" means the department of natural resources and conservation provided for in 2-15-3301.

(3) "Prescribed fire" means an intentionally set fire that meets specific predefined land management objectives and that is done under specific weather conditions, in accordance with applicable laws, rules, and policies.

Section 4. Prescribed fire manager certification program -- rulemaking. (1) The department may create a prescribed fire manager certification program. The program must include training on all relevant aspects of prescribed fire in the state, including but not limited to the following:

(a) applicable laws and rules;

(b) safety planning and management;

(c) weather;

(d) prescribed fire behavior, complexity analysis, and techniques;

(e) smoke management;

(f) prescribed fire burn plan requirements and standards;

(g) public relations;

(h) prescribed fire burn permitting; and

(i) contingencies.

(2) The department may adopt rules to implement the prescribed fire manager certification program, including:

(a) training requirements;

(b) certification standards;

(c) reciprocity requirements for prescribed fire certifications from other states and organizations;

(d) administration of the prescribed fire manager certification claims account; and

(e) fees.

Section 5. Liability. A certified prescribed fire manager or a landowner or landowner's agent using a certified prescribed fire manager who conducts a prescribed fire in compliance with [sections 1 through 8] and the rules adopted by the department is not liable for injury to or destruction of property arising from a wildfire, except to the extent evidence demonstrates that:

(1) an action or omission of the certified prescribed fire manager, landowner, or landowner's agent constituted negligence or a higher degree of fault; and

(2) the action or omission caused or contributed to the cause of the wildfire or caused or contributed to the wildfire spreading.

Section 6. Applicability -- enforcement. (1) [Sections 1 through 8] may not be construed as requiring certification as a prescribed fire manager to conduct burning operations on one's own property or on the property of another person with the person's permission if the person complies with applicable laws and rules related to prescribed fire and burning.

(2) The department may revoke a person's prescribed fire manager certification if the person violates the standards established in [sections 1 through 8] or rules adopted by the department.

Section 7. Prescribed fire manager certification claims special revenue account. (1) There is a prescribed fire manager certification claims special revenue account within the state special revenue fund established in 17-2-102.

(2) There must be deposited in the account money received by the department in the form of grants, gifts, transfers, bequests, donations, and appropriations from any source intended to be used for the purposes of [sections 1 through 8].

(3) Money deposited in the account may not be used for any purposes other than for the development and administration of the prescribed fire manager certification program or the payment of claims of injury or destruction of property from an escaped prescribed fire or burn conducted by a certified prescribed fire manager.

Section 8. Department study of prescribed fire liability. (1) The department shall conduct a study for the development of a prescribed fire claims fund.

(2) The study must examine:

(a) the use of the fund to support coverage for property damage from an escaped prescribed fire conducted by a certified prescribed fire manager; and

(b) economic damage from an escaped prescribed fire conducted by a certified prescribed fire manager, including loss of time, resources, crops, fencing, and agricultural improvements.

Section 9. Section 50-63-102, MCA, is amended to read:

"**50-63-102. Civil penalty for setting or leaving fire causing damage.** ~~A~~ *Except as provided in [section 5], a* person who sets or leaves a fire that spreads and damages or destroys property of any kind not belonging to the person is subject to a civil penalty of not less than $50 or more than $500."

Section 10. Section 50-63-103, MCA, is amended to read:

"**50-63-103. Liability of offender for damages and costs.** Except as provided in 50-63-104 *and [section 5]*, a person who sets or leaves a fire that spreads and damages or destroys property of any kind not belonging to the person is liable for all damages caused by the fire, and an owner of property damaged or destroyed by the fire may maintain a civil suit for the purpose of recovering damages. A person who sets or leaves a fire that threatens to spread and damage or destroy property is liable for all costs and expenses incurred, including but not limited to expenses incurred in investigation of the fire and administration of fire suppression, by the state of Montana, by any forestry association, or by any person extinguishing or preventing the spread of the fire."

Section 11. Section 76-13-121, MCA, is amended to read:

"**76-13-121. Permit for burning required.** (1) *(a) A person may not conduct a prescribed fire, as defined in [section 3], without an official written permit to ignite or set the prescribed fire from the recognized agency for that protection area.*

(b) During the wildfire season or an expansion of the wildfire season, a person may not ignite or set a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or, except as provided in subsection (2), an open fire without an official written permit to ignite or set the fire from the recognized agency for that protection area.

(2) (a) If no restrictions are in place, a permit is not needed for recreational fires measuring less than 48 inches in diameter that are surrounded by a nonflammable area or structure and for which a suitable source of extinguishing the fire is available.

(b) A recreational fire may not be ignited if special restrictions prohibiting recreational fires have been established by an authority having jurisdiction."

Section 12. Section 76-13-122, MCA, is amended to read:

"**76-13-122. Failure to comply with permit.** A person to whom a written permit is issued to set or ignite a fire shall comply strictly with the permit. ~~A~~ *Except as provided in [section 5], a* person who fails to comply with the permit, leaves the fire unattended, leaves the fire before it is totally extinguished, or negligently allows the fire to spread from or beyond the burning area defined by the permit is subject to the penalty provided in 50-63-102 and is subject to the provisions of 50-63-103. The department shall prescribe the form and substance of the permit."

Section 13. Codification instruction. [Sections 1 through 8] are intended to be codified as a new part in Title 76, chapter 13, and the provisions of Title 76, chapter 13, apply to [sections 1 through 8].

Section 14. Effective date -- contingency. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 5 and 11] are effective after legislative appropriation of funds to the prescribed fire manager certification claims special revenue account in [section 7]. The department shall submit certification of the appropriation to the code commissioner within 15 days of the occurrence of the contingency.

Approved May 12, 2025

CHAPTER NO. 636

[HB 85]

AN ACT REINSTATING FORMER EMPLOYER CONTRIBUTION RATES FOR THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM, THE SHERIFFS' RETIREMENT SYSTEM, AND THE GAME WARDENS'

AND PEACE OFFICERS' RETIREMENT SYSTEM; INSTITUTING A 0% EMPLOYER CONTRIBUTION RATE FOR THE JUDGES' RETIREMENT SYSTEM; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-10-420, 17-7-502, 19-2-405, 19-2-409, 19-5-404, 19-6-404, 19-7-403, 19-7-404, AND 19-8-504, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Section 15-10-420, MCA, is amended to read:

"**15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

(i) annexation of real property and improvements into a taxing unit;

(ii) construction, expansion, or remodeling of improvements;

(iii) transfer of property into a taxing unit;

(iv) subdivision of real property; and

(v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

(i) a change in the boundary of a tax increment financing district;

(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

(iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the

certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

(a) school district levies established in Title 20; or

(b) a mill levy imposed for a newly created regional resource authority.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

(a) may increase the number of mills to account for a decrease in reimbursements; and

(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402;

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

(iv) a levy for the support of a study commission under 7-3-184;

(v) a levy for the support of a newly established regional resource authority;

(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

(vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary;

(viii) a levy used to fund the sheriffs' retirement system under ~~19-7-404(3)(b)~~ *19-7-404(2)(b)*; or

(ix) a governmental entity from levying mills for the support of an airport authority in existence prior to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past. The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either

of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit."

Section 2. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; *19-6-404;* 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383,

L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 3. Section 19-2-405, MCA, is amended to read:

"**19-2-405. Employment of actuary -- annual investigation and valuation.** (1) The board shall retain a competent actuary who is an enrolled member of the American academy of actuaries and who is familiar with public systems of pensions. The actuary is the technical adviser of the board on matters regarding the operation of the retirement systems.

(2) The board shall require the actuary to make and report on an annual actuarial investigation into the suitability of the actuarial tables used by the retirement systems and an actuarial valuation of the assets and liabilities of each defined benefit plan that is a part of the retirement systems.

(3) The normal cost contribution rate, which is funded by required employee contributions and a portion of the required employer contributions to each defined benefit retirement plan, must be calculated as the level percentage of members' salaries that will actuarially fund benefits payable under a retirement plan as those benefits accrue in the future.

(4) The unfunded liability contribution rate, which is entirely funded by a portion of the required employer contributions to the retirement plan, must be calculated as the level percentage of current and future defined benefit plan members' salaries that will amortize the unfunded actuarial liabilities of the retirement plan over a reasonable period of time, not to exceed 30 years, as determined by the board~~, except as provided in 19-5-404, 19-6-404, 19-7-404, and 19-8-504~~.

(5) The board shall require the actuary to conduct and report on a periodic actuarial investigation into the actuarial experience of the retirement systems and plans.

(6) The board may require the actuary to conduct any valuation necessary to administer the retirement systems and the plans subject to this chapter.

(7) The board shall provide copies of the reports required pursuant to subsections (2) and (5) to the state administration and veterans' affairs interim committee and to the legislature pursuant to 5-11-210.

(8) The board shall require the actuary to prepare for each employer participating in a retirement system the disclosures or the information required to be included in the disclosures as required by law and by the governmental accounting standards board or its generally recognized successor."

Section 4. Section 19-2-409, MCA, is amended to read:

"**19-2-409. Plans to be funded on actuarially sound basis -- definition.** (1) As required by Article VIII, section 15, of the Montana constitution, each system must be funded on an actuarially sound basis. For the purposes of this section, "actuarially sound basis" means that contributions to each retirement plan must be sufficient to pay the full actuarial cost of the plan.

(2) (a) For a defined benefit plan, the full actuarial cost includes both the normal cost of providing benefits as they accrue in the future and the cost of amortizing unfunded liabilities over a scheduled period of no more than 30 years~~, except that with respect to the judges' retirement system, the highway patrol officers' retirement system, the sheriffs' retirement system, and the game wardens' and peace officers' retirement system, the unfunded liabilities must be paid over the periods provided for in 19-5-404, 19-6-404, 19-7-404, and 19-8-504, respectively~~.

(b) For the defined contribution plan, the full actuarial cost is the contribution defined by law that is payable to an account on behalf of the member."

Section 5. Section 19-5-404, MCA, is amended to read:

"**19-5-404. State employer contribution -- definitions.** ~~(1) (a) Beginning July 1, 2023,~~ *(1) Except as provided in subsections (2) and (3),* the state shall pay as employer contributions ~~an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation~~ *0% of the compensation paid to all of the employer's employees, except those properly excluded from membership*. ~~This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year.~~

~~(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided for in 19-5-402:~~

~~(i) the contribution rate determined under subsection (1)(c) to pay for the contemporary unfunded liability; and~~

~~(ii) the contribution rate determined under subsection (1)(d) to pay for the normal cost of benefits as they accrue.~~

~~(c) The contribution rate under subsection (1)(b)(i) for the contemporary unfunded liability must be the amount required on a level percentage basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.~~

~~(d) The contribution rate under subsection (1)(b)(ii) for the normal cost of benefits as they accrue must be the amount required on a level percentage basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.~~

~~(2) (a) Beginning July 1, 2024, the state shall contribute monthly from the natural resources operations special state revenue account, established~~

~~in 15-38-301, to the judges' pension trust fund an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation for the chief water court judge. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year.~~

~~(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided in 19-5-402:~~

~~(i) the contribution rate determined under subsection (2)(c) to pay for the contemporary unfunded liability; and~~

~~(ii) the contribution rate determined under subsection (2)(d) to pay for the normal cost of benefits as they accrue.~~

~~(c) The contribution rate under subsection (2)(b)(i) for the contemporary unfunded liability must be the amount required on a level percentage basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.~~

~~(d) The contribution rate under subsection (2)(b)(ii) for the normal cost of benefits as they accrue must be the amount required on a level percentage basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.~~

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

~~(a) "Contemporary unfunded liability" means the plan's annual fiscal year actuarial gains and losses smoothed over 5 years starting with the fiscal year ending June 30, 2019.~~

~~(b) "Legacy unfunded liability" means the unfunded liability of the plan as of June 30, 2023~~

(2) Except as provided in subsection (3), the state shall contribute monthly from the natural resources operations state special revenue account, established in 15-38-301, to the judges' pension trust fund an amount equal to 0% of the compensation paid to the chief water court judge. The judiciary shall include in its budget and shall request for legislative appropriation an amount necessary to defray the state's portion of the costs of this section.

(3) If, based on the most recently available actuarial study for the judges' retirement system, the funded ratio of the plans drops below 120% funded, the employer contribution rates in subsections (1) and (2) must be increased to 25.81%."

Section 6. Section 19-6-404, MCA, is amended to read:

"**19-6-404. State employer contribution -- ~~definitions~~ *statutory appropriation*.** ~~(1) (a) From July 1, 2023, through June 30, 2024, the~~ *(1) The* state shall pay as employer contributions 38.33% of compensation paid to all of the employer's employees, except those properly excluded from membership*, from the following sources:*

(a) an amount equal to 28.15% of the total compensation of the members, which is payable, as appropriated by the legislature, from the same sources that are used to pay compensation to the members; and

(b) an amount equal to 10.18% of the total compensation of the members, which is statutorily appropriated, as provided in 17-7-502, from the general fund.

~~(b)~~*(2)* Beginning July 1, 2023, and each fiscal year thereafter, the state treasurer shall transfer $500,000 from the state special revenue fund provided

for in 17-2-102 to the highway patrol officers' retirement pension trust fund by August 15. This transfer must terminate when the public employees' retirement board's actuary determines that the funded ratio for the highway patrol officers' pension system is 100% funded.

~~(2) (a) Beginning July 1, 2024, the state shall pay as employer contributions an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year with a maximum annual increase of no more than 0.5% in any year.~~

~~(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided for in 19-6-402:~~

~~(i) the contribution rate determined under subsection (2)(c) to pay off the legacy unfunded liability;~~

~~(ii) the contribution rate determined under subsection (2)(d) to pay for the contemporary unfunded liability; and~~

~~(iii) the contribution rate determined under subsection (2)(e) to pay for the normal cost of benefits as they accrue.~~

~~(c) (i) Except as provided in subsection (2)(c)(ii), the contribution rate under subsection (2)(b)(i) for the legacy unfunded liability must be the amount required on a level percent basis to amortize the legacy unfunded liability attributable to the employer's employees over a closed 25-year amortization period beginning July 1, 2023.~~

~~(ii) If the June 30, 2023, actuarial valuation determines the system's amortization period is less than 25 years, then the closed amortization period used for the purposes of subsection (2)(c)(i) must be that amortization period.~~

~~(d) The contribution rate under subsection (2)(b)(ii) for the contemporary unfunded liability must be the amount required on a level percent basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.~~

~~(e) The contribution rate under subsection (2)(b)(iii) for the normal cost of benefits as they accrue must be the amount required on a level percent basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.~~

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

~~(a) "Contemporary unfunded liability" means the plan's annual fiscal year actuarial gains and losses smoothed over 5 years starting with the fiscal year ending June 30, 2019.~~

~~(b) "Legacy unfunded liability" means the unfunded liability of the plan as of June 30, 2023.~~"

Section 7. Section 19-7-403, MCA, is amended to read:

"**19-7-403. Member's contributions deducted.** (1) (a) Subject to subsection (1)(b), each member's contribution is 10.495% of the member's compensation.

(b) The member's contribution required under this subsection (1) must be reduced to 9.245% on July 1 following the board's receipt of the system's actuarial valuation if ~~the report shows that the funded ratio for the sheriffs' retirement system is at least 100%.~~

(i) the actuarial valuation determines that the period required to amortize the system's unfunded liabilities, including adjustments that become effective after the valuation, is less than 25 years; and

(ii) reducing the member contributions and terminating the additional employer contributions pursuant to 19-7-404(4)(b) would not cause the system's amortization period as of the most recent actuarial valuation to exceed 25 years.

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions that would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages, as defined in 19-1-102, and salary as used to define the member's highest average compensation in 19-7-101. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board."

Section 8. Section 19-7-404, MCA, is amended to read:

"**19-7-404. Employer contributions — definitions.** ~~(1) From July 1, 2023, through June 30, 2024, each~~ *(1) Each* employer shall pay ~~13.115%~~ *9.535%* of the compensation paid to all of the employer's employees *plus any additional contribution under subsection (3), except for those employees properly excluded from membership*.

~~(2) (a) Beginning July 1, 2024, each employer shall pay as employer contributions an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year with a maximum annual increase of no more than 0.5% in any year.~~

~~(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided for in 19-7-403:~~

~~(i) the contribution rate determined under subsection (2)(c) to pay off the legacy unfunded liability;~~

~~(ii) the contribution rate determined under subsection (2)(d) to pay for the contemporary unfunded liability; and~~

~~(iii) the contribution rate determined under subsection (2)(e) to pay for the normal cost of benefits as they accrue.~~

~~(c) (i) Except as provided in subsection (2)(c)(ii), the contribution rate under subsection (2)(b)(i) for the legacy unfunded liability must be the amount required on a level percent basis to amortize the legacy unfunded liability attributable to the employer's employees over a closed 25-year amortization period beginning July 1, 2023.~~

~~(ii) If the June 30, 2023, actuarial valuation determines the system's amortization period is less than 25 years, then the closed amortization period used for the purposes of subsection (2)(c)(i) must be that amortization period.~~

~~(d) The contribution rate under subsection (2)(b)(ii) for the contemporary unfunded liability must be the amount required on a level percent basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.~~

~~(e) The contribution rate under subsection (2)(b)(iii) for the normal cost of benefits as they accrue must be the amount required on a level percent basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.~~

~~(3)~~*(2)* (a) If the required contributions under ~~subsections (1) and (2)~~ *subsections (1) and (3)(a)* exceed the funds available to a county from general revenue sources, a county may, subject to 15-10-420, budget, levy, and collect annually a tax on the taxable value of all taxable property within the county that is sufficient to raise the amount of revenue needed to meet the county's obligation.

(b) (i) A county may impose a mill levy to fund the employer contribution required under ~~subsections (1) and (2)~~ *subsection (3)(b)*. The mill levy is not subject to 15-10-420(1) or to approval at an election under 15-10-425.

(ii) Each year prior to implementing a levy under ~~subsection (3)(b)(i)~~ *subsection (2)(b)(i)*, after notice of the hearing given under 7-1-2121, a public hearing must be held regarding any proposed increase.

(iii) If a levy pursuant to this ~~subsection (3)(b)~~ *subsection (2)(b)* is decreased or ceases to be levied, the revenue may not be combined with the revenue determined in 15-10-420(1)(a).

~~(4) For the purposes of this section, the following definitions apply:~~

~~(a) "Contemporary unfunded liability" means the plan's annual fiscal year actuarial gains and losses smoothed over 5 years starting with the fiscal year ending June 30, 2019.~~

~~(b) "Legacy unfunded liability" means the unfunded liability of the plan as of June 30, 2023~~

(3) Subject to subsection (4), each employer shall contribute to the system additional employer contributions equal to:

(a) 0.58% of the compensation paid to all of the employer's employees, except for those employees properly excluded from membership; and

(b) 3% of the compensation paid to all of the employer's employees, except for those employees properly excluded from membership.

(4)(a) The board shall review annually the additional employee contributions provided for under subsection (3) and recommend adjustments to the legislature as needed to maintain the amortization schedule set by the board for payment of the system's unfunded liabilities.

(b) The employer contributions required under subsection (3) terminate on July 1 following the board's receipt of the system's actuarial valuation if:

(i) the actuarial valuation determines that the period required to amortize the system's unfunded liabilities, including adjustments made for any benefit enhancements that become effective after the valuation, is less than 25 years; and

(ii) terminating the additional employer contributions and reducing the member contributions pursuant to 19-7-403(1)(b) would not cause the amortization period to exceed 25 years."

Section 9. Section 19-8-504, MCA, is amended to read:

"**19-8-504. Employer's contribution -- definitions.** ~~(1) From July 1, 2023, through June 30, 2024, the~~ *The* employer shall pay as employer

contributions 10.56% of the compensation paid to all of the employer's employees, except those properly excluded from membership. *The department of fish, wildlife, and parks shall include in its budget and shall request for legislative appropriation an amount necessary to defray the state's portion of the costs of this section.*

~~(2) (a) Beginning July 1, 2024, each employer shall pay as employer contributions an actuarially determined employer contribution that is determined annually by the public employees' retirement board's actuary in accordance with the provisions of this section and part of the plan's annual actuarial valuation. This actuarially determined employer contribution is effective July 1 following the annual actuarial valuation completed in the prior calendar year with a maximum annual increase of no more than 0.5% in any year.~~

~~(b) The actuarially determined employer contribution must be the sum of the following contribution rates minus the employee contribution provided in 19-8-502:~~

~~(i) the contribution rate determined under subsection (2)(c) to pay off the legacy unfunded liability;~~

~~(ii) the contribution rate determined under subsection (2)(d) to pay for the contemporary unfunded liability; and~~

~~(iii) the contribution rate determined under subsection (2)(e) to pay for the normal cost of benefits as they accrue.~~

~~(c) (i) Except as provided in subsection (2)(c)(ii), the contribution rate under subsection (2)(b)(i) for the legacy unfunded liability must be the amount required on a level percent basis to amortize the legacy unfunded liability attributable to the employer's employees over a closed 25-year amortization period beginning July 1, 2023.~~

~~(ii) If the June 30, 2023, actuarial valuation determines the system's amortization period is less than 25 years, then the closed amortization period used for the purposes of subsection (2)(c)(i) must be that amortization period.~~

~~(d) The contribution rate under subsection (2)(b)(ii) for the contemporary unfunded liability must be the amount required on a level percent basis to pay the annual contemporary unfunded liabilities attributable to the employer's employees over a layered amortization schedule so that each fiscal year's contemporary unfunded liability is amortized over a closed 10-year period, starting with the contemporary unfunded liability for the fiscal year ending June 30, 2024.~~

~~(e) The contribution rate under subsection (2)(b)(iii) for the normal cost of benefits as they accrue must be the amount required on a level percent basis to pay the normal cost of benefits as determined in the annual actuarial valuation as the benefits accrue for each of the employer's employees.~~

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

~~(a) "Contemporary unfunded liability" means the plan's annual fiscal year actuarial gains and losses smoothed over 5 years starting with the fiscal year ending June 30, 2019.~~

~~(b) "Legacy unfunded liability" means the unfunded liability of the plan as of June 30, 2023.~~"

Section 10. Appropriations. (1) There is appropriated $4,010,436 from the general fund to the department of justice for the fiscal year beginning July 1, 2025, for the Montana highway patrol employer contribution.

(2) There is appropriated $713,013 from the general fund to the department of justice for the fiscal year beginning July 1, 2025, for the Montana highway patrol employer contribution.

Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2025.

(2) [Sections 6 through 9 and 12] and this section are effective on passage and approval.

Section 12. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to the employer contribution rates on or after July 1, 2023, for the highway patrol officers' retirement system, the sheriffs' retirement system, and the game wardens' and peace officers' retirement system.

Approved May 12, 2025

CHAPTER NO. 637

[HB 86]

AN ACT GENERALLY REVISING ALCOHOL LAW; GENERALLY REVISING LAWS RELATED TO ALCOHOL WHOLESALERS; CREATING THE BEER AND TABLE WINE DISTRIBUTION ACT; PROVIDING DEFINITIONS; CREATING A DISTRIBUTOR'S LICENSE; PROVIDING REQUIREMENTS FOR OPERATION OF A DISTRIBUTOR'S LICENSE; PROVIDING FEES; REVISING LAWS RELATING TO BEER AND TABLE WINE DISTRIBUTION; REVISING LAWS RELATING TO WINERIES AND DISTRIBUTION OF WINE; PROVIDING FOR DISTRIBUTOR'S SERVICE OBLIGATIONS; AMENDING SECTIONS 16-1-106, 16-1-303, 16-1-406, 16-1-411, 16-3-101, 16-3-104, 16-3-212, 16-3-214, 16-3-241, 16-3-242, 16-3-243, 16-3-244, 16-3-301, 16-3-316, 16-3-321, 16-3-402, 16-3-406, 16-3-411, 16-4-101, 16-4-106, 16-4-107, 16-4-313, 16-4-314, 16-4-401, 16-4-406, 16-4-407, 16-4-501, AND 16-4-906, MCA; REPEALING SECTIONS 16-3-217, 16-3-218, 16-3-219, 16-3-220, 16-3-221, 16-3-222, 16-3-223, 16-3-224, 16-3-225, 16-3-226, 16-3-230, 16-3-231, 16-3-232, 16-3-233, 16-3-234, 16-3-401, 16-3-403, 16-3-404, 16-3-415, 16-3-416, 16-3-417, 16-3-418, 16-3-419, 16-3-420, 16-3-421, AND 16-4-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Short title -- public policy -- purpose. (1) [Sections 1 through 20] may be cited as the "Beer and Table Wine Distribution Act".

(2) The public policy of the state of Montana is to maintain a system to provide for, regulate, and control the acquisition, importation, and distribution of beer and table wine.

(3) The legislature finds and declares that the purpose of [sections 1 through 20] is to assure continued interbrand competition in beer and table wine sales through competing independent distributors and to assure breweries and wineries the ability to protect the reputations of their products through quality control arrangements.

Section 2. Definitions. As used in [sections 1 through 20], unless the context requires otherwise, the following definitions apply:

(1) "Agreement of distributorship" means a contract, agreement, commercial relationship, license, or other arrangement for a definite or an indefinite period of time between a supplier and a distributor that provides for the sale of beer, table wine, or sacramental wine by the supplier to the distributor.

(2) "Distribute" means to:

(a) deliver beer, table wine, or sacramental wine:

(i) to a retailer's premises licensed to sell beer, table wine, or sacramental wine;

(ii) to a noncontiguous storage area as allowed in 16-3-311(6);

(iii) pursuant to an approved alternative delivery arrangement in [section 16(7)]; and

(iv) to an alternate alcoholic beverage storage facility as allowed in 16-4-213(8); and

(b) to deliver table wine to an agency liquor store.

(3) "Good cause" means failure by a distributor to comply with reasonable business requirements imposed, or sought to be imposed, by a supplier under the terms of an agreement of distributorship if the requirements are imposed on other similarly situated distributors either by the terms of their agreements or in the manner of their enforcement by the supplier.

(4) "Person" means a natural person, corporation, partnership, trust, agency, or other entity and includes individual officers, directors, or other persons in active control of the activities of the entity.

(5) "Supplier" means a brewery, winery, or an importer of beer, table wine, or sacramental wine that enters into or is a party to an agreement of distributorship with a distributor.

Section 3. Distributor's license -- fee. (1) A person desiring to sell and distribute beer, table wine, or sacramental wine at wholesale to licensed retailers or table wine to agency liquor stores under the provisions of this code shall apply to the department for a license to do so and shall submit with the application the initial license fee of $400. The department may issue licenses to qualified applicants in accordance with the provisions of this code.

(2) A distributor's license expires at midnight on June 30 following the date of its issuance.

(3) A license fee may not be imposed on distributors by a municipality or any other political subdivision of the state.

(4) The license must be prominently displayed in the distributor's licensed premises at all times.

(5) (a) An applicant must have:

(i) a fixed place of business;

(ii) sufficient capital; and

(iii) the facilities, storehouse, and receiving house or warehouse for the receiving, storage, handling, and moving of beer, table wine, or sacramental wine in large and jobbing quantities for distribution and sale in original packages to other licensed distributors or licensed retailers or table wine to agency liquor stores.

(b) A distributor is entitled to only one license, which must be issued for the distributor's licensed premises in Montana. A license may be issued for each subwarehouse operated by the distributor. The license must be prominently displayed at the subwarehouse at all times.

Section 4. Distributor financial interest in retailers prohibited. A distributor may not advance or loan money to or furnish money for or pay for or on behalf of any retailer any license or tax that may be required to be paid for any retailer. A distributor may not be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer. A distributor is considered to have a financial interest within the meaning of this section if:

(1) the distributor owns or holds any interest in or a lien or mortgage against the retailer or the retailer's premises;

(2) the distributor is under a contract with a retailer concerning future purchases or the sale of merchandise by one from or to the other; or

(3) a retailer holds an interest, as a stockholder or otherwise, in the business of the distributor.

Section 5. Beer agreement of distributorship provisions. (1) A brewery or beer importer and distributor must have a written agreement of distributorship that provides for purchase of the brewery or beer importer's products from the brewery or beer importer by the distributor.

(2) A beer agreement of distributorship must provide:

(a) that the brewer or beer importer or any officer, agent, or representative of any brewer or beer importer and the distributor involved shall mutually determine the size or extent of the area in which the distributor may sell or distribute the products of the brewer or beer importer to the retail licensees. The territory must be the territory agreed upon between the distributor and brewer or the distributor and beer importer and may not be changed without the mutual consent of both the distributor and brewer or the distributor and beer importer.

(b) the agreed-upon brands of the brewer or beer importer to be sold by the distributor;

(c) that the brewer or beer importer recognizes that the distributor is free to manage the distributor's business in the manner that the distributor considers best and that this prerogative vests in the distributor the exclusive right to establish selling prices, to select the brands that the distributor wishes to handle, and to determine the effort and resources that the distributor will exert to develop and promote the sale of the brewer's or beer importer's products handled by the distributor;

(d) a procedure for the review of alleged distributor deficiencies asserted by the brewer or beer importer to constitute good cause as provided in [section 2] including the submission in writing to the distributor by the brewer or beer importer of the deficiencies, if the deficiencies are susceptible of correction and if the distributor desires to correct the deficiencies, and that a reasonable period of time must be given the distributor for rectification of the deficiencies prior to any notice of intent to terminate;

(e) a termination clause providing that the brewer or beer importer shall deliver, in writing, to the distributor a 60-day notice of intent to terminate the agreement, contract, or franchise;

(f) that all agreements between a brewer and a distributor are interpreted and governed by the laws of Montana and that those laws must be liberally construed to effectuate the remedial purpose of the protections of [sections 1 through 20];

(g) that in any dispute resulting in litigation between a brewer or a beer importer and a distributor, the litigation must occur in a Montana court, either federal or state, unless that forum would create an unreasonable burden on any party, as determined by the court in which the litigation is commenced; and

(h) that all agreements between a brewer or a beer importer and a distributor must recognize the constitutional right to a jury trial as set forth in Article II, section 26, of the Montana constitution.

Section 6. Table wine agreement of distributorship provisions. (1) A winery or wine importer and distributor must have a written agreement of distributorship that provides for purchase of the winery or wine importer's products from the winery or wine importer by the distributor.

(2) A table wine agreement of distributorship must provide that:

(a) a winery or wine importer shall notify a distributor in writing at least 60 days prior to termination of an agreement of distributorship unless a termination without notice is permitted as provided in [section 7]. The written

notice must state the reasons for termination. Notice of termination is void if within 60 days of the notice, the distributor rectifies the deficiency stated as the reason for termination and if the deficiency was not stated as reason for termination in a notice previously voided under the provisions of this subsection (2)(a).

(b) a winery or wine importer may not unreasonably withhold or delay approval of a sale or transfer of the ownership, management, or control of a distributorship. However, a distributor shall give a winery or wine importer no less than 60 days' prior written notice of any material change in ownership, management, or control.

(3) If a winery or wine importer terminates an agreement of distributorship under the provisions of subsection (2)(a), the distributor subject to the termination is entitled to compensation for the laid-in cost of inventory. In the event of any termination of the agreement by the winery or wine importer other than termination for good cause or for any reason set forth in [section 7(3)], the distributor is entitled to compensation for the laid-in cost of inventory and to liquidated damages based on the sales of the brand or brands involved, as may be provided in the agreement. If the winery or wine importer and the distributor are unable to agree on the amount of liquidated damages, the amount of liquidated damages must be determined by an arbitrator appointed under subsection (4).

(4) If undertaken in good faith by a winery or wine importer, a winery or wine importer may terminate an agreement of distributorship for a legitimate business reason not within the definition of good cause if an arbitrator appointed by the department finds, after hearing the winery or wine importer and the distributor, that the termination is in the best interest of the brands concerned. Arbitration under this section must be conducted under the provisions of Title 27, chapter 5.

(5) All agreements of distributorship are interpreted and governed by the laws of Montana.

(6) In any dispute resulting in litigation between a winery or wine importer and a distributor, the litigation must occur in a Montana court, federal or state, unless that forum would create an unreasonable burden on any party, as determined by the court in which the litigation is commenced.

(7) Agreements between a winery or wine importer and a distributor must recognize the constitutional right to a jury trial as set forth in Article II, section 26, of the Montana constitution.

(8) A provision in an agreement of distributorship that is inconsistent with the requirements of this section is void.

Section 7. Winery and wine importer agreement of distributorship provisions. (1) An agreement of distributorship for a winery or wine importer's product must provide that a distributor shall:

(a) maintain the financial and competitive capability to efficiently and effectively distribute a winery or wine importer's products;

(b) maintain the quality and integrity of a winery or wine importer's products in a manner set forth by the winery or wine importer;

(c) exert the distributor's best efforts to sell the winery or wine importer's brands;

(d) merchandise the products in retail stores and agency liquor stores as agreed between the distributor and the winery or wine importer; and

(e) give a winery or wine importer not less than 60 days' written notice of the distributor's intent to terminate an agreement of distributorship.

(2) As provided in [section 6], a winery or wine importer may terminate an agreement of distributorship based on a deficiency or other good cause by giving 60 days' prior written notice to the distributor.

(3) A winery or wine importer may terminate an agreement of distributorship immediately and without notice if the reason for the termination is insolvency, assignment for the benefit of creditors, bankruptcy, or revocation or suspension for more than 14 days of a license to operate that is required by the state or the federal government.

Section 8. Table wine distributor. (1) A winery or wine importer may appoint one or more distributors to distribute its table wines in a specified territory. If the winery or wine importer appoints two or more distributors to sell its table wines in the same or overlapping territories, the winery or wine importer shall offer the same prices, delivery, terms, and promotional support to each distributor.

(2) A winery or wine importer may not appoint more than one distributor to distribute its hard cider in a specified territory.

(3) For the purposes of this section, "table wine" has the same meaning as provided in 16-1-106 but does not include hard cider.

Section 9. Distributors' service obligations for beer -- applicability. (1) A distributor appointed to distribute a brand of beer within a territory specified by agreement pursuant to [section 5] shall call on and offer that brand to at least 75% of the retailers within that territory at least every 3 weeks. However, if the brand of beer for which the distributor is appointed is a product of a brewer or beer importer whose products are not generally available, the distributor shall, at least every 3 weeks, call on and offer that brand to as many retailers within that territory as is reasonably possible given the amount of that brand that is available to the distributor.

(2) If a retailer's account with a distributor is current as required under 16-3-243, the distributor may not refuse to sell the retailer any generally available brand of beer for which the distributor has been appointed for the territory in which the retailer is located. The distributor shall offer to deliver the beer to the retailer at least every 3 weeks.

(3) For the purposes of this section, a brewer or beer importer's products are not generally available if:

(a) all of the brands of a brewer or beer importer shipped to a distributor during the most recent calendar quarter total less than 600 barrels;

(b) all of the brands of a brewer or beer importer shipped into the state total less than 1,200 barrels in each of the 2 consecutive preceding calendar quarters; and

(c) all of the brands produced by the brewer at all of its facilities total less than 150,000 barrels per year.

(4) This section applies to all beer distribution agreements entered into, assigned, or amended after July 1, 1986. It does not apply to a distribution agreement for a named brand entered into before July 1, 1986, but does not prohibit a brewer who is a party to an agreement from requiring the appointed distributor to fulfill similar service obligations in the territory.

Section 10. Winery or wine importer prohibitions -- illegal acts by brewers or beer importers. (1) A winery or wine importer or an officer, agent or representative of a winery or wine importer may not:

(a) coerce, induce, or attempt to coerce or induce a distributor to engage in an illegal act or course of conduct;

(b) require a distributor to accept delivery of a product or other item or commodity that was not ordered by the distributor; or

(c) fix or maintain the price at which a distributor shall resell table wine.

(2) A brewer or beer importer or an officer, agent, or representative of a brewer or beer importer may not:

(a) coerce, attempt to coerce, or persuade any person licensed to sell beer as a distributor to enter into any agreement or to take any action that would violate or tend to violate any of the laws of this state or any rules promulgated by the department;

(b) sell its products in the state without a written contract that conforms to the provisions of [sections 1 through 20] with each appointed licensed distributor;

(c) designate or allow more than one distributor to sell or distribute a specific brand of the brewer's or beer importer's products to retail licensees in the same area, provided that nothing in [sections 1 through 20] prohibits the brewer or beer importer from designating more than one distributor to sell or distribute different brands of the same manufacturer to retail licensees in the same area;

(d) fix or maintain the price at which a distributor resells the brewer's or beer importer's products. Without limitation, it is a violation of this section if:

(i) after a distributor has exceeded a resale price increase recommended by a brewer or beer importer, the brewer or beer importer raises the price that it charges the distributor for those products within 60 days;

(ii) after a distributor has exceeded a resale price increase recommended by a brewer or beer importer, the brewer or beer importer raises the price that it charges the distributor in an amount proportionately larger than the amount that it raised the distributor's prices initially when compared to the increase in the resale price that it recommended to the distributor; or

(iii) the brewer or beer importer links or ties its participation in promotional discounts to the distributor's compliance with any recommended resale price.

(e) cancel, terminate, discontinue, or fail to renew, except for just cause and in accordance with the current terms and standards established by the brewer or beer importer then equally applicable to all distributors, any agreement or contract, written or oral, or the franchise of any wholesaler existing on January 1, 1974, or entered into after that date to sell beer manufactured by the brewer or imported by the beer importer. A brewer or beer importer may, notwithstanding the preceding sentence, make reasonable classifications among distributors. If a brewer or beer importer cancels or terminates a distributor's franchise, the brewer or beer importer has the burden of proving that the classification was reasonable and not arbitrary. The provisions of [sections 1 through 20] must be a part of any franchise, contract, agreement, or understanding, whether written or oral, between any distributor of beer licensed to do business in this state and any manufacturer or beer importer doing business with the licensed distributor just as though the provisions had been specifically agreed upon between the distributor and the manufacturer or beer importer. A distributor of beer licensed to conduct business in the state may not waive any of the protections or agree to any provision contrary to [sections 1 through 20] by any conduct, including but not limited to the signing of any contract or agreement with terms contrary to those provisions.

(3) (a) Just cause as used in subsection (2)(e) means that the distributor failed to comply with the reasonable requirements placed on the distributor by the brewer or beer importer as a part of any written franchise, contract, or agreement between the parties.

(b) The sale or purchase or other restructuring of the brewer or beer importer by a successor in the manufacturing tier of the beer industry does not constitute just cause as that term is used in subsection (2)(e).

(c) For the purposes of this subsection (3), a successor means a person or entity that replaces a brewer or beer importer with regard to the right to manufacture, sell, distribute, or import a brand or brands of beer regardless of the character or form of the succession. A successor is obligated to all of the terms and conditions of any franchise, contract, agreement, or understanding, whether written or oral, in effect on the date of succession. A successor has the right to contractually require its distributor to comply with operational standards of performance if the standards are uniformly established for all of the successor's distributors and conform to the requirements of this section.

Section 11. Transfer of distributor's interest in business. A distributor may sell or transfer the business or an interest in the business to any person or to one or more members of the distributor's family or heirs or legatees, whether the distributor operates as an individual, a partnership, or corporation. However, the consent of the brewer, beer importer, winery, or wine importer in writing is required for the transferee to continue as a distributor of the brewer, beer importer, winery, or wine importer. The consent must consider the personal, financial, and managerial responsibilities and capabilities of the transferee, and the consent may not unreasonably be withheld.

Section 12. Contractual or franchise relationship -- existence by actions. The doing or accomplishing of any of the following acts constitutes prima facie evidence of a contractual or franchise relationship between a licensed distributor and a brewer, beer importer, winery, or wine importer within the intention of [sections 1 through 20]:

(1) the shipment, preparation for shipment, or acceptance of any order by any brewer, beer importer, winery, or wine importer or its agent for any beer, table wine, or sacramental wine to a licensed distributor within this state; or

(2) the payment by any licensed distributor within this state or the acceptance of payment by any brewer, beer importer, winery, or wine importer or its agent for the shipment of an order of beer, table wine, or sacramental wine intended for sale within this state.

Section 13. Distributor agreements filed with department. Within 60 days after entering into a new agreement, an exact copy of all agreements, contracts, or franchises between a brewer, beer importer, winery, or wine importer and a distributor must be filed by the distributor with the department as a public document and must be available to any of the parties to a dispute. The department, on the instigation of an action in a court of record, shall file an exact certified copy of the agreement with the court for the court's consideration in determining any matter before it. Any contracts, agreements, or franchises not on record with the department may not be considered by a court as having any force or effect. The distributor shall notify the brewer, beer importer, winery, or wine importer of the filing of the agreement with the department.

Section 14. Beer required to be shipped to distributor. Except as provided in 16-3-214 and 16-4-401(9)(e), all beer that is to be distributed in Montana, whether manufactured outside of or within the state of Montana, must be consigned to and shipped, either directly or via a licensed storage depot, to a licensed distributor and unloaded into the distributor's warehouse in Montana or subwarehouse in Montana. A brewer or beer importer shall maintain records of all beer, including the name or kind received, on hand, and sold. The records may at any time be inspected by a representative of the department. The distributor shall distribute the beer from the warehouse or subwarehouse and shall keep records at the distributor's licensed premises of all beer, including the name or kind received, on hand, sold, and distributed. The records may be inspected by a representative of the department at any time.

Section 15. Sales by distributor. (1) A distributor may sell and deliver beer purchased or acquired by the distributor to another distributor, retailer, or common carrier licensed under this code.

(2) A distributor may sell and deliver table wine and sacramental wine purchased or acquired by the distributor to another distributor, retailer, or common carrier licensed under this code and *table wine* to an agency liquor store.

Section 16. Dock sales. (1) Except as provided in subsections (2) through (4), beer may not be delivered to a licensed retailer at any location other than the retailer's licensed premises, noncontiguous storage areas under 16-3-311(6), and resort alternate storage facilities under 16-4-213(8).

(2) An all-beverages licensee may personally or through an employee obtain from any distributor's warehouse any quantity of beer as the all-beverages licensee and distributor may agree to buy and sell.

(3) Retailers other than an all-beverages licensee may personally or through an employee obtain from the distributor's warehouse any quantity of beer that the retailer and distributor may agree to buy and sell only within the territory of the distributor in which the retailer is located.

(4) Except as provided in subsections (5) through (6), table wine and sacramental wine may not be delivered to a licensed retailer or liquor store agent at any location other than the retailer's licensed premises, an agency liquor store, noncontiguous storage areas under 16-3-311(6), or resort alternate storage facilities under 16-4-213(8).

(5) An all-beverages licensee may personally or through an employee obtain from any distributor's warehouse any quantity of table wine that the all-beverages licensee and distributor may agree to buy and sell.

(6) Liquor store agents or retailers other than all-beverages licensees may personally or through an employee obtain from the distributor's warehouse any quantity of table wine as the agent or retailer and distributor may agree to buy and sell only within the territory of the distributor in which the agent's liquor store or retailer is located.

(7) When a distributor's trucks and equipment are incapable of delivering beer, table wine, or sacramental wine to a retail licensee's premises due to the unique physical location of the retail licensee's premises, examples of which are premises located on an island or atop a mountain, the distributor and retail licensee may seek prior department approval for an alternative delivery arrangement on a form provided by the department. If the department approves the alternative delivery arrangement request, the department shall provide the distributor and the retail licensee a written summary of the conditions of the approved delivery arrangement. Failure to comply with the approved alternative delivery arrangement may subject the distributor or retail licensee to administrative action.

Section 17. Sales to public by distributor unlawful. A distributor may not give, sell, deliver, or distribute any beer, table wine, or sacramental wine purchased or acquired by the distributor to the public.

Section 18. Consumption of beer, table wine, or sacramental wine on distributor's premises unlawful. A distributor may not sell, serve, or give away any beer, table wine, or sacramental wine to be consumed on the distributor's premises.

Section 19. Quarterly report of distributor and retailer. (1) A licensed distributor shall, on or before the 15th day of each month following the end of each quarter, make an exact return to the department of the amount of beer, table wine, and sacramental wine purchased or acquired by the distributor during the previous quarter, the amount of beer, table wine, and sacramental

wine sold and delivered by the distributor during the previous quarter, and the amount of inventory on hand in the manner and form prescribed by the department. The department has the right at any time to make an examination of the distributor's books and premises and otherwise check the accuracy of the return or check the alcoholic content of beer, table wine, and sacramental wine that the distributor may have on hand.

(2) A wine retailer licensed to do business in the state shall, on or before the 15th day of each month following the end of each quarter, in the manner and form prescribed by the department, make a return to the department of the amount of wine purchased directly from any out-of-state winery in the previous quarter.

Section 20. Injunction to prevent franchise cancellation. (1) A person injured by a violation of [sections 1 through 20] may bring a civil action in a court of competent jurisdiction to enjoin further violations in addition to other remedies provided by law.

(2) A court of competent jurisdiction may enjoin the cancellation or termination of a franchise or agreement between a distributor and a brewer, between a distributor and a beer importer, between a distributor and a winery, or between a distributor and a wine importer at the instance of a distributor that is or would be adversely affected by the cancellation or termination. In granting an injunction, the court shall provide that the brewer, beer importer, winery, or wine importer may not supply the customers or territory of the distributor who is servicing the territory or customers through other distributors or means while the injunction is in effect.

Section 21. Section 16-1-106, MCA, is amended to read:

"**16-1-106. Definitions.** As used in this code, the following definitions apply:

(1) "Agency franchise agreement" means an agreement between the department and a person appointed to sell liquor as a commission merchant rather than as an employee.

(2) "Agency liquor store" means a store operated under an agency franchise agreement in accordance with this code for the purpose of selling liquor at either the posted or the retail price for off-premises consumption.

(3) "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

(4) "Alcoholic beverage" means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume.

(5) (a) "Beer" means:

(i) a malt beverage containing not more than 8.75% of alcohol by volume; or

(ii) an alcoholic beverage containing not more than 14% alcohol by volume:

(A) that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and

(B) in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.

(b) The term does not include a caffeinated or stimulant-enhanced malt beverage.

(6) "Beer importer" means a person other than a brewer who imports malt beverages.

~~(7) "Beer wholesaler" means a person importing into or purchasing in Montana beer for sale or resale to retailers licensed in Montana.~~

~~(8)~~*(7)* "Brewer" means a person who produces malt beverages.

~~(9)~~*(8)* "Caffeinated or stimulant-enhanced malt beverage" means:

(a) a beverage:

(i) that is fermented in a manner similar to beer and from which some or all of the fermented alcohol has been removed and replaced with distilled ethyl alcohol;

(ii) that contains at least 0.5% of alcohol by volume;

(iii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55; and

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine; or

(b) a beverage:

(i) that contains at least 0.5% of alcohol by volume;

(ii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55;

(iii) to which is added a flavor or other ingredient containing alcohol, except for a hop extract;

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine;

(v) for which the producer is required to file a formula for approval with the United States alcohol and tobacco tax and trade bureau pursuant to 27 CFR 25.55; and

(vi) that is not exempt pursuant to 27 CFR 25.55(f).

~~(10)~~*(9)* "Community" means:

(a) in an incorporated city or town, the area within the incorporated city or town boundaries;

(b) in an unincorporated city or area, the area identified by the federal bureau of the census as a community for census purposes; and

(c) in a consolidated local government, the area of the consolidated local government not otherwise incorporated.

~~(11)~~*(10)* "Concessionaire" means an entity that has a concession agreement with a licensed entity.

~~(12)~~*(11)* "Curbside pickup" means the sale of alcoholic beverages that meets the requirements of 16-3-312.

~~(13)~~*(12)* "Department" means the department of revenue, unless otherwise specified, and includes the department of justice with respect to receiving and processing, but not granting or denying, an application under a contract entered into under 16-1-302.

(13) "Distributor" means a person importing into or purchasing in Montana beer, table wine, or sacramental wine for sale or resale to retailers licensed in Montana and a person importing into or purchasing in Montana table wine for sale or resale to agency liquor stores.

(14) "Growler" means any fillable, sealable container complying with federal law.

(15) (a) "Guest ranch" means a business or organization that provides guests with overnight lodging, dining, and onsite outdoor recreational activities typical of western ranching for the purposes of vacation or recreation. Recreational activities offered by a guest ranch may include but are not limited to horseback riding, wagon or sleigh rides, shooting, and working with livestock. The property of a guest ranch must be composed of at least 50 contiguous acres. The property must be located entirely outside the license quota area of an incorporated city or an incorporated town as determined under 16-4-105(1) or 16-4-201. The premises of a guest ranch may include restaurants, sporting and recreational equipment shops, event venues, arenas, and other facilities that may be used by other persons in addition to the overnight guests.

(b) The term does not include premises used as rehabilitation centers, group homes, clinics, nursing homes, church or other religious campgrounds, or other similar uses.

(16) "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% of alcohol by volume and not more than 8.5% of alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.

(17) "Immediate family" means a spouse, dependent children, or dependent parents.

(18) "Import" means to transfer beer or table wine from outside the state of Montana into the state of Montana.

(19) "Liquor" means an alcoholic beverage except beer and table wine. The term includes a caffeinated or stimulant-enhanced malt beverage.

(20) "Location manager" means a person who provides general oversight of the alcoholic beverage operations and ensures compliance with alcoholic beverage laws and regulations. A location manager may be an owner of a license, an employee of the licensee, or an entity that contracts to provide services for the licensee.

(21) "Malt beverage" means:

(a) an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption; or

(b) an alcoholic beverage made by the fermentation of malt substitutes, including rice, grain of any kind, glucose, sugar, or molasses that has not undergone distillation.

(22) (a) "Original package" means the sealed container in which a manufacturer packages its product for retail sale.

(b) The term includes but is not limited to:

(i) bottles;

(ii) cans; and

(iii) kegs.

(23) "Package" means a container or receptacle used for holding an alcoholic beverage.

(24) "Posted price" means the wholesale price of liquor for sale to persons who hold liquor licenses as fixed and determined by the department and in addition an excise and license tax as provided in this code. In the case of sacramental wine sold in agency liquor stores, the wholesale price may not exceed the sum of the department's cost to acquire the sacramental wine, the department's current freight rate to agency liquor stores, and a 20% markup.

(25) "Prepared serving" means a container of alcoholic beverages, filled at the time of sale and sealed with a lid, for consumption at a place other than the licensee's premises.

(26) "Proof gallon" means a U.S. gallon of liquor at 60 degrees on the Fahrenheit scale that contains 50% of alcohol by volume.

(27) "Public place" means a place, building, or conveyance to which the public has or may be permitted to have access and any place of public resort.

(28) "Retail price" means the price established by an agent for the sale of liquor to persons who do not hold liquor licenses. The retail price may not be less than the department's posted price.

(29) "Rules" means rules adopted by the department or the department of justice pursuant to this code.

(30) "Sacramental wine" means wine that contains more than 0.5% but not more than 24% of alcohol by volume that is manufactured and sold exclusively for use as sacramental wine or for other religious purposes.

(31) "Special event", as it relates to an application for a beer and wine special permit, means a short, infrequent, out-of-the-ordinary occurrence, such as a picnic, fair, reception, or sporting contest.

(32) "State liquor warehouse" means a building owned or under control of the department for the purpose of receiving, storing, transporting, or selling alcoholic beverages to agency liquor stores.

(33) "Storage depot" means a building or structure owned or operated by a brewer at any point in the state of Montana off and away from the premises of a brewery, which building or structure is equipped with refrigeration or cooling apparatus for the storage of beer and from which a brewer may sell or distribute beer as permitted by this code.

(34) "Subwarehouse" means a building or structure owned or operated by a licensed ~~combined beer wholesaler and table wine~~ distributor, located at a site in Montana other than the site of the ~~combined beer wholesaler's and table wine~~ distributor's warehouse, and used for the receiving, storage, and distribution of beer, table wine, or sacramental wine as permitted by this code.

(35) "Table wine" means wine that contains not more than 16% of alcohol by volume and includes hard cider.

~~(36) "Table wine distributor" means a person importing into or purchasing in Montana table wine or sacramental wine for sale or resale to retailers licensed in Montana and a person importing into or purchasing in Montana table wine for sale or resale to agency liquor stores.~~

~~(37)~~*(36)* "Warehouse" means a building or structure located in Montana that is owned or operated by a licensed ~~combined beer wholesaler and table wine~~ distributor for the receiving, storage, and distribution of beer*,* ~~or~~ table wine*, and sacramental wine* as permitted by this code.

~~(38)~~*(37)* "Wine" means an alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine."

Section 22. Section 16-1-303, MCA, is amended to read:

"**16-1-303. Department rules.** (1) The department and the department of justice may make rules not inconsistent with this code necessary to efficiently administer this code.

(2) Rules made by the department may include but are not limited to the following:

(a) regulating the contractual operation of agency liquor stores and warehouses in which liquor is kept or sold and prescribing the books and records to be kept;

(b) prescribing the duties of department employees and regulating their conduct while in the discharge of their duties;

(c) governing the purchase of liquor and the furnishing of liquor to agency liquor stores;

(d) determining the classes, varieties, and brands of liquor to be available for distribution from the state liquor warehouse. However, the department

may not prohibit liquor that is sold in gelatin cups that are shelf stable and liquid at room temperature and may not prohibit the distribution of beer and table wine by a ~~beer wholesaler or table wine~~ distributor that are sold in gelatin cups that are shelf stable and liquid at room temperature.

(e) prescribing the minimum hours during which agency liquor stores must be open for the sale of alcoholic beverages;

(f) providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each class, variety, or brand of liquor kept for sale;

(g) prescribing forms to be used for the purpose of this code or the rules and the terms and conditions for permits and licenses issued and granted under this code;

(h) prescribing the form of records of purchase of liquor and the reports to be made to the department and providing for inspection of the records;

(i) prescribing the manner of giving and serving notices required by this code or the rules;

(j) prescribing the fees payable for permits and licenses issued under this code for which fees are not prescribed in this code and prescribing the fees for anything done or permitted to be done under the rules;

(k) prescribing, subject to the provisions of this code, the conditions and qualifications necessary for the obtaining of alcoholic beverage licenses and the books and records to be kept and the returns to be made by the licensees;

(l) specifying and describing the place and the manner in which alcoholic beverages may be lawfully kept or stored;

(m) specifying and regulating the time when and the manner by which vendors and brewers may deliver alcoholic beverages under this code and the time when and the manner by which alcoholic beverages, under this code, may be lawfully conveyed or carried;

(n) governing the conduct, management, and equipment of any premises licensed to sell alcoholic beverages under this code;

(o) providing for the imposition and collection of taxes and making rules respecting returns, accounting, and payment of the taxes to the department.

(3) The department of justice may adopt rules to administer and implement its responsibilities under this title, including but not limited to rules providing for the inspection of licensed premises or premises where the sale of liquor has been proposed.

(4) Whenever this code provides that an act may be done if authorized by rules, the department, subject to the restrictions in subsection (1), may make rules respecting the act.

(5) The department shall use the negotiated rulemaking procedures contained in Title 2, chapter 5, for the purpose of adoption of rules related to the operation of agency liquor stores. However, the department may not be required to pay any expenses of the participants or of any persons engaged in the rulemaking process as provided for in 2-5-110."

Section 23. Section 16-1-406, MCA, is amended to read:

"**16-1-406. Taxes on beer.** (1) (a) A tax is imposed on each barrel of 31 gallons of beer sold in Montana by a ~~wholesaler~~ *distributor* or by a licensed brewer directly to retailers, special permittees, or the public. The tax is based on the total number of barrels of beer produced by a brewer in a year. A brewer who produces fewer than 10,000 barrels of beer a year is taxed on the following increments of production:

(i) up to 5,000 barrels, $1.30;

(ii) 5,001 barrels to 10,000 barrels, $2.30.

(b) The tax on beer sold for a brewer who produces over 10,000 barrels is $4.30.

(2) The tax imposed pursuant to subsection (1) on a ~~wholesaler~~ *distributor* and an electronic beer tax return is due at the end of each quarter from the ~~wholesaler~~ *distributor* on beer sold by the ~~wholesaler~~ *distributor* during that quarter. The tax imposed pursuant to subsection (1) on a licensed brewer and an electronic beer tax return is due at the end of each quarter from the brewer for beer sold during the previous quarter. The department shall compute the tax due on beer sold in containers other than barrels or in barrels of more or less capacity than 31 gallons.

(3) Each quarter, in accordance with the provisions of 17-2-124, of the tax collected pursuant to subsection (1), an amount equal to:

(a) 23.26% must be deposited in the state treasury to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency; and

(b) the balance must be deposited in the state general fund."

Section 24. Section 16-1-411, MCA, is amended to read:

"**16-1-411. Tax on wine and hard cider -- penalty and interest.** (1) (a) A tax of 27 cents a liter is imposed on sacramental wine and table wine, except hard cider, sold by:

(i) a ~~table wine~~ distributor to licensed retailers, agency liquor stores, and special permit holders;

(ii) a licensed winery directly to licensed retailers, special permit holders, or the public; and

(iii) a registered winery directly to the public.

(b) A tax of 3.7 cents a liter is imposed on hard cider sold by:

(i) a ~~table wine~~ distributor to licensed retailers, agency liquor stores, and special permit holders;

(ii) a licensed winery directly to retailers, special permit holders, or the public; and

(iii) a registered winery directly to the public.

(2) The tax imposed in subsection (1) must be paid as follows:

(a) A winery registered pursuant to 16-4-107 that sells more than 1,000 liters of sacramental wine, table wine, or hard cider, in any combination, to consumers in the state during a period beginning October 1 and ending September 30 shall electronically file a wine tax return or a hard cider tax return, or both, and pay the tax on a quarterly basis on or before the 15th day of each quarter during the following period that begins October 1 and ends September 30.

(b) A winery registered pursuant to 16-4-107 that sells 1,000 liters or less of sacramental wine, table wine, or hard cider, in any combination, to consumers in the state during a period beginning October 1 and ending September 30 shall electronically file a wine tax return or a hard cider tax return, or both, and pay the tax on or before October 15 of the following period that begins October 1 and ends September 30.

(c) A winery licensed pursuant to 16-4-107 that sells sacramental wine, table wine, or hard cider to consumers or licensed retailers in the state or that sells table wine to agency liquor stores for sale to consumers in the state shall electronically file a wine tax return or a hard cider tax return, or both, and pay the tax on a quarterly basis on or before the 15th of each quarter for sales in the previous quarter.

(d) A ~~table wine~~ distributor that sells sacramental wine, table wine, or hard cider in the state shall electronically file a wine tax return or a hard cider tax return, or both, and pay the tax on a quarterly basis on or before the 15th day of each quarter for sales in the previous quarter.

(3) The tax paid by a winery or by a ~~table wine~~ distributor in accordance with subsection (2) must, in accordance with the provisions of 17-2-124, be distributed as follows:

(a) 69% to the state general fund; and

(b) 31% to the state special revenue fund to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency.

(4) The tax computed and paid in accordance with this section is the only tax imposed by the state or any of its subdivisions, including cities and towns.

(5) For the purposes of this section, "table wine" has the meaning assigned in 16-1-106 but does not include hard cider."

Section 25. Section 16-3-101, MCA, is amended to read:

"**16-3-101. Alcoholic beverage transactions -- only in accordance with code.** (1) A person who manufactures, imports, distributes, ~~wholesales,~~ or sells alcoholic beverages or the person's agent may not give or sell to any person within the state any alcoholic beverage except as may be permitted by and in accordance with the provisions of this code.

(2) (a) Except as otherwise provided by this code, a person or the person's agent may not ship, transport, or consign or cause to be shipped, transported, or consigned:

(i) any alcoholic beverage to any person in this state; or

(ii) any liquor except to the state liquor warehouse.

(b) The prohibition in subsection (2)(a) includes alcoholic beverages ordered or purchased by telephone, computer, or other device."

Section 26. Section 16-3-104, MCA, is amended to read:

"**16-3-104. Common carriers to purchase beer from brewer, beer importer, or ~~wholesaler~~ *distributor*.** The operator of any common carrier or its employees may not sell or dispose of any beer except beer that has been lawfully acquired or purchased from a licensed brewer, beer importer, or ~~wholesaler~~ *distributor*."

Section 27. Section 16-3-212, MCA, is amended to read:

"**16-3-212. Brewers' or beer importers' sales to ~~wholesalers~~ *distributors* lawful.** A licensed or registered brewer may sell or deliver beer manufactured by the brewer to any licensed ~~wholesaler~~ *distributor*. A licensed or registered beer importer may sell or deliver beer imported by the importer to any licensed ~~wholesaler~~ *distributor*."

Section 28. Section 16-3-214, MCA, is amended to read:

"**16-3-214. Beer sales by brewers -- sample room exception.** (1) Subject to the limitations and restrictions contained in this code, a brewer who manufactures less than 60,000 barrels of beer a year, upon payment of the annual license fee imposed by 16-4-501 and upon presenting satisfactory evidence to the department as required by 16-4-101, must be licensed by the department, in accordance with the provisions of this code and rules prescribed by the department, to:

(a) sell and deliver beer from its storage depot or brewery to:

(i) a ~~wholesaler~~ *distributor*;

(ii) licensed retailers if the brewer uses the brewer's own equipment, trucks, and employees to deliver the beer and if:

(A) individual deliveries, other than draught beer, are limited to the case equivalent of 8 barrels a day to each licensed retailer; and

(B) the total amount of beer sold or delivered directly to all retailers does not exceed 10,000 barrels a year; or

(iii) the public, including curbside pickup between 8 a.m. and 2 a.m. in original packaging or growlers;

(b) provide its own products for consumption on its licensed premises without charge or, if it is a small brewery, provide its own products or collaboration products at a sample room as provided in 16-3-213; or

(c) do any one or more of the acts of sale and delivery of beer as provided in this code.

(2) A brewery may not use a common carrier for delivery of the brewery's product to the public or to licensed retailers.

(3) A brewery may import or purchase, upon terms and conditions the department may require, necessary flavors and other nonbeverage ingredients containing alcohol for blending or manufacturing purposes.

(4) An additional license fee may not be imposed on a brewery providing its own products on its licensed premises for consumption on the premises.

(5) This section does not prohibit a licensed or registered brewer from shipping and selling beer directly to a ~~wholesaler~~ *distributor* in this state ~~under the provisions of 16-3-230~~.

(6) For a licensed brewery holding complete ownership of a retail license pursuant to 16-4-401(9), beer that is manufactured and sold at the colocated premises does not count towards the 10,000-barrel self-distribution limit imposed by subsection (1)(a)(ii)(B). Beer manufactured and sold at the colocated premises does count toward production levels for tax purposes."

Section 29. Section 16-3-241, MCA, is amended to read:

"**16-3-241. Furnishing of fixtures or interior advertising matter to retailers by brewers, beer importers, and ~~wholesalers~~ *distributors* unlawful -- exceptions.** (1) (a) Except as provided in subsection (3), it is unlawful for any brewer, beer importer, or ~~wholesaler~~ *distributor* to lease, furnish, give, or pay for any premises, furniture, fixtures, equipment, or any other advertising matter or any other property to a retail licensee, used or to be used in the dispensation of beer in and about the interior of the place of business of the licensed retailer, or to furnish, give, or pay for any repairs, improvements, or painting on or within the premises.

(b) It is lawful for a brewer, beer importer, or ~~wholesaler~~ *distributor* to furnish, give, or loan to a retail licensee:

(i) bottle openers, can openers, trays, tap handles, menus, apparel, coasters, glassware, cups, napkins, or other functional advertising matter that does not exceed $300 in value in any 1 calendar year to any one retail establishment for display use within the interior of the retail establishment;

(ii) not more than six illuminated or electrical signs, neon signs, lamps, or lighted clocks for each brand of beer in any 1 calendar year to any one retailer for display use within the interior of the retailer's place of business. These signs, displays, lamps, or lighted clocks may bear the name, brand name, trade name, trademark, or other designation indicating the name of the manufacturer of beer and the place of manufacture. Any beer advertised must be available for sale on the retailer's premises at the time the displays are used unless the displays are the property of the retailer or, if supplied by a brewer, beer importer, or ~~wholesaler~~ *distributor*, a display has been in the retailer's possession for more than 9 months.

(iii) permanent or temporary advertising matter of a decorative nature, excluding items described in subsection (1)(b)(ii) but including nonelectric clocks, mirrors, banners, flags, and pennants; and

(iv) maintenance or repair services on draft beer equipment to keep it sanitary and in good working condition.

(2) A ~~wholesaler~~ *distributor* may furnish portable equipment used for the temporary cooling, handling, and dispensing of beer to a special permittee or a retailer for use:

(a) in catering an event that is off the permittee's or retailer's regular premises; or

(b) up to three times a year, on a retailer's regular premises, for a period not to exceed 72 hours.

(3) A licensed brewery holding complete ownership of a retail license pursuant to 16-4-401(9) is not subject to the limitations of subsection (1)(a) for the licensed brewery's retail-licensed premises."

Section 30. Section 16-3-242, MCA, is amended to read:

"**16-3-242. Financial interest in retailers prohibited.** (1) A brewer~~,~~ *or* beer importer~~, or wholesaler~~ may not advance or loan money to or furnish money for or pay for or on behalf of any retailer any license or tax that may be required to be paid for any retailer. A brewer~~,~~ *or* beer importer~~, or wholesaler~~ may not be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer. A brewer~~,~~ *or* beer importer~~, or wholesaler~~ is considered to have a financial interest within the meaning of this section if:

(a) the brewer~~,~~ *or* beer importer~~, or wholesaler~~ owns or holds any interest in or a lien or mortgage against the retailer or the retailer's premises; *or*

(b) the brewer~~,~~ *or* beer importer~~, or wholesaler~~ is under any contract with a retailer concerning future purchases or the sale of merchandise by one from or to the other~~; or~~

~~(c) any retailer holds an interest, as a stockholder or otherwise, in the business of the wholesaler~~.

(2) A licensed brewery holding complete ownership of a retail license pursuant to 16-4-401(9) is not subject to the limitations of this section for the licensed brewery's retail-licensed premises."

Section 31. Section 16-3-243, MCA, is amended to read:

"**16-3-243. Seven-day credit limitation.** (1) A brewer, beer importer, or ~~beer wholesaler~~ *distributor* may not sell or deliver beer unless a retail licensee pays within 7 days of the delivery and may not extend more than 7 days' credit for payment for the beer to the retail licensee.

(2) A retail licensee shall pay a brewer, beer importer, or ~~beer wholesaler~~ *distributor* in full for beer within 7 days from the date of delivery and may not accept more than 7 days' credit from a brewer, beer importer, or ~~beer wholesaler~~ *distributor*. Failure to pay in full within 7 days from the date of delivery is considered an impermissible acceptance of credit.

(3) Any extension or acceptance of credit in violation of this section is considered rendering or receiving of financial assistance. Brewers, beer importers, ~~beer wholesalers~~ *distributors*, and retail licensees who violate this section are subject to the penalty provisions of 16-4-406."

Section 32. Section 16-3-244, MCA, is amended to read:

"**16-3-244. Beer advertising limitations.** (1) Except as provided in subsection (2), it is lawful to advertise beer, as defined and regulated, subject to the restrictions on brewers and beer importers contained in 16-3-241 and subject to the following restrictions on retailers. A retail licensee may not display or permit to be displayed on the exterior portion or surface of the retailer's place of business, whether any of the premises are owned or leased by the retailer, any sign, poster, or advertisement bearing the name, brand name, trade name, trademark, or other designation indicating the manufacturer, brewer, beer importer, ~~wholesaler~~ *distributor*, or place of manufacture of any beer, unless it is on a marquee, board, or other space used for temporary advertisements and is not displayed for more than 10 days per display period.

(2) A licensed brewery holding complete ownership of a retail license pursuant to 16-4-401(9) is not subject to the restrictions in subsection (1)

at any of the brewery's licensed premises for products manufactured by the licensed brewery."

Section 33. Section 16-3-301, MCA, is amended to read:

"**16-3-301. Unlawful purchases, transfers, sales, or deliveries – presumption of legal age.** (1) Except as allowed in 16-4-213(8), it is unlawful for a licensed retailer to:

(a) purchase or acquire beer or wine from anyone except a brewery, winery, or ~~wholesaler~~ *distributor* licensed under the provisions of this code;

(b) purchase or acquire table wine from anyone except a liquor store agent or winery or ~~table wine~~ distributor licensed under the provisions of this code;

(c) purchase or acquire wine from anyone except a liquor store agent or winery;

(d) transport alcoholic beverages from one licensed premises or other facility to any other licensed premises owned by the licensee; or

(e) purchase or acquire liquor from anyone except an agency liquor store.

(2) It is unlawful for a licensed distributor ~~or wholesaler~~ to purchase beer, table wine, or *sacramental* wine from anyone except a brewery, winery, or ~~wholesaler~~ *distributor* licensed or registered under this code.

(3) It is unlawful for a liquor store agent to purchase table wine or sacramental wine from anyone except a ~~table wine~~ distributor *or winery* licensed under this code.

(4) It is unlawful for any licensee, a licensee's employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to:

(a) any person under 21 years of age; or

(b) any person actually, apparently, or obviously intoxicated.

(5) Any person under 21 years of age or any other person who knowingly misrepresents the person's qualifications for the purpose of obtaining an alcoholic beverage from the licensee is equally guilty with the licensee and, on conviction, is subject to the penalty provided in 45-5-624. However, nothing in this section may be construed as authorizing or permitting the sale of an alcoholic beverage to any person in violation of any federal law.

(6) All licensees shall display in a prominent place in their premises a placard, issued by the department, stating fully the consequences for violations of the provisions of this code by persons under 21 years of age.

(7) For purposes of 45-5-623 and this title, the establishment of the following facts by a person making a sale of alcoholic beverages to a person under the legal age constitutes prima facie evidence of innocence and a defense to a prosecution for sale of alcoholic beverages to a person under the legal age:

(a) the purchaser falsely represented and supported with documentary evidence that an ordinary and prudent person would accept that the purchaser was of legal age to purchase alcoholic beverages;

(b) the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal age to purchase alcoholic beverages; and

(c) the sale was made in good faith and in reasonable reliance on the representation and appearance of the purchaser that the purchaser was of legal age to purchase alcoholic beverages.

(8) A licensed retailer may purchase beer and table wine from a licensed in-state retailer and transport the purchased beer and table wine to the licensed retailer's premises. The department may penalize retailers purchasing beer and table wine from out-of-state retailers subject to this code. Purchases under this subsection are limited to a maximum of 6 gallons a day. (See compiler's comments for contingent termination of certain text.)"

Section 34. Section 16-3-316, MCA, is amended to read:

"**16-3-316. Fundraising events for nonprofit and tax-exempt organizations.** (1) A nonprofit organization governed under Title 35, chapter 2, or an organization designated as tax-exempt under the provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended, may raffle or auction alcoholic beverages at fundraising events. Any alcoholic beverage raffled or auctioned must be given by the organization to the raffle or auction winner sealed in its original package.

(2) If the fundraising event is held on the premises of a business licensed under this code or on premises for which a permit has been issued under this code, the alcoholic beverage may not be consumed on the premises. An alcoholic beverage that is on a licensee's premises solely for a fundraising event under this section does not constitute a violation by the licensee of 16-3-301(1)(a) or 16-6-303.

(3) A nonprofit or tax-exempt organization may hold no more than four events per calendar year at which alcoholic beverages are raffled or auctioned. The duration of each event must be announced at the time any raffle tickets are sold or auction bids are received. Raffles and auctions held pursuant to this section must be to directly support bona fide charitable, nonprofit, or tax-exempt activities.

(4) An alcoholic beverage for raffle or auction must be:

(a) acquired, whether by purchase or donation, by the organization from a retailer or manufacturer licensed under the provisions of this code;

(b) acquired, whether by purchase at not less than the posted price or by donation, by the organization from an agency liquor store; or

(c) received by the organization as a donation at no cost to the organization from any other person except one licensed as a ~~wholesaler or~~ distributor under this code.

(5) No proceeds from the raffle or auction of alcoholic beverages may go to anyone who provided the alcoholic beverages to the organization for the raffle or auction.

(6) For a raffle or auction described in subsection (1), raffle tickets may not be sold to, and auction bids may not be solicited or received from, any person under 21 years of age. The organization raffling or auctioning alcoholic beverages may not sell, deliver, or give away any alcoholic beverage to a person under 21 years of age or to any person actually, apparently, or obviously intoxicated.

(7) As used in this section:

(a) "auction" means the sale of an item or items, which may include alcoholic beverages, whereby the item for sale is sold to the highest bidder at the bid price. An auctioned item or items may have a reserve price.

(b) "raffle" means an event in which a nonprofit or tax-exempt organization sells tickets and each ticket gives the purchaser of the ticket the chance to win a prize, which may include alcoholic beverages, with the winner determined by a random drawing."

Section 35. Section 16-3-321, MCA, is amended to read:

"**16-3-321. Keg identification tag.** (1) A licensee may not sell a keg of beer unless an identification tag is attached to the keg by the licensee.

(2) An identification tag must consist of paper, plastic, metal, or durable material that is not easily damaged or destroyed. An identification tag may be attached to a keg at the time of sale with a nylon tie or cording, wire tie or other metal attachment device, or other durable means of tying or attaching the tag to the keg.

(3) The identification information contained on the tag must include:

(a) the licensee's name, address, and telephone number; and

(b) a prominently visible warning that intentional removal or defacement of the tag is a criminal offense.

(4) A retailer that accepts the return of a keg that does not have an identification tag attached shall obtain the information required in 16-3-322 on the original purchaser, to the extent possible, and obtain the same information on the person returning the keg. This information must be kept on file with the retailer for not less than 45 days from the date of return.

(5) A person, other than the licensee, the ~~wholesaler~~ *distributor* of malt beverages, or a law enforcement officer, may not intentionally remove identification placed on a keg in compliance with this section.

(6) For the purposes of 16-3-321 through 16-3-324, the following definitions apply:

(a) "Keg" means a brewery-sealed, single container that contains not less than 7 gallons of beer.

(b) "Licensee" means a person who is licensed under Title 16, chapter 4, and who sells kegs to a consumer.

(7) The department shall develop and make available the identification tags required by this section."

Section 36. Section 16-3-402, MCA, is amended to read:

"**16-3-402. Importation of wine -- records.** (1) Except as provided in 16-3-411, 16-4-313, and Title 16, chapter 4, part 11, all table wine manufactured outside of Montana and shipped into Montana must be consigned to and shipped to a licensed ~~table wine~~ distributor and be unloaded by the distributor into the distributor's warehouse in Montana or subwarehouse in Montana. The distributor shall distribute the table wine from the warehouse or subwarehouse.

(2) The distributor shall keep records at the distributor's ~~principal place of business~~ *licensed premises* of all table wine, including the name or kind received, on hand, sold, and distributed. The records may at all times be inspected by the department.

(3) Table wine that has been shipped into Montana in violation of this code must be seized by any peace officer or representative of the department and may be confiscated in the manner as provided for the confiscation of intoxicating liquor."

Section 37. Section 16-3-406, MCA, is amended to read:

"**16-3-406. Financial interest in retailers prohibited.** (1) A winery ~~or table wine distributor~~ may not advance or loan money to, or furnish money for, or pay for or on behalf of any retailer any license or tax that may be required to be paid by any retailer, and a winery ~~or table wine distributor~~ may not be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer.

(2) A winery ~~or table wine distributor~~ is considered to have a financial interest if:

(a) the winery ~~or table wine distributor~~ owns or holds any interest in or a lien or mortgage against the retailer or the retailer's premises; or

(b) the winery ~~or table wine distributor~~ is under any contract with a retailer concerning future purchases or the sale of merchandise by one from or to the other~~; or~~

~~(c) the table wine distributor extends more than 7 days' credit to a retail licensee or furnishes to any retail licensee any furniture, fixtures, or equipment to be used in the dispensation or sale of table wine; or~~

~~(d) any retailer holds an interest as a stockholder, or otherwise, in the business of the table wine distributor~~."

Section 38. Section 16-3-411, MCA, is amended to read:

"**16-3-411. Winery.** (1) A winery located in Montana and licensed pursuant to 16-4-107 may:

(a) import in bulk, bottle, produce, blend, store, transport, or export wine it produces;

(b) sell table wine it produces at wholesale to ~~table wine~~ distributors or liquor store agents;

(c) sell wine it produces at retail at the winery directly to the consumer for consumption on or off the premises;

(d) provide, without charge, wine it produces for consumption at the winery;

(e) purchase from the department or its licensees brandy or other distilled spirits for fortifying wine it produces;

(f) obtain no more than 12 special event permits under 16-4-301;

(g) perform those operations and cellar treatments that are permitted for bonded winery premises under applicable regulations of the United States department of the treasury;

(h) sell wine at the winery to a licensed retailer who presents the retailer's license or a photocopy of the license;

(i) obtain a direct shipment endorsement to ship table wine as provided in Title 16, chapter 4, part 11, directly to an individual in Montana who is at least 21 years of age; or

(j) offer wine in its original packaging, prepared servings, or growlers for curbside pickup between 8 a.m. and 2 a.m.

(2) (a) Except as provided in 16-4-401(9)(d), a winery licensed pursuant to 16-4-107 may sell and deliver wine produced by the winery directly to licensed retailers or liquor store agents if the winery:

(i) uses the winery's own equipment, trucks, and employees to deliver the wine and the wine delivered pursuant to this subsection (2)(a)(i) does not exceed 4,500 9-liter cases a year;

(ii) contracts with a licensed ~~table wine~~ distributor to ship and deliver the winery's wine to the retailer or liquor store agent; or

(iii) contracts with a common carrier to ship and deliver the winery's wine to the retailer or liquor store agent and:

(A) the wine shipped and delivered by common carrier is shipped directly from the producer's winery or bonded warehouse;

(B) individual shipments delivered by common carrier are limited to three cases a day for each licensed retailer or liquor store agent; and

(C) the shipments delivered by common carrier do not exceed 4,500 9-liter cases a year.

(b) If a winery uses a common carrier for delivery of the wine to licensed ~~table wine~~ distributors, retailers, and liquor store agents, the shipment must be:

(i) in boxes that are marked with the words: "Wine Shipment From Montana-Licensed Winery to Montana Licensee";

(ii) delivered to the premises of a licensed ~~table wine~~ distributor, licensed retailer, or liquor store agent; and

(iii) signed for by the ~~wine~~ distributor, retailer, or liquor store agent, or by its employee or agent.

(c) In addition to any records required to be maintained under 16-4-107, a winery that distributes wine within the state under this subsection (2) shall maintain records of all sales and shipments. The winery shall, pursuant to 16-1-411, electronically file a report, in the manner and form prescribed by the department, reporting the amount of wine or hard cider, or both, that it shipped in the state during the preceding period, including the names and

addresses of consignees, retailers, or liquor store agents, and other information that the department may determine to be necessary to ensure that distribution of wine or hard cider, or both, within this state conforms to the requirements of this code.

(3) (a) A winery that is located in Montana and licensed to manufacture wine may be licensed by the department to own, lease, maintain, and operate anywhere in the state a storage depot for receiving, handling, and storing wine in addition to distributing and selling wine from the storage depot, subject to this code.

(b) To be licensed for a storage depot, a winery shall pay an annual license fee as provided in 16-4-501 for each storage depot operated by the winery, in addition to all other fees and taxes required to be paid by the winery, and must meet all applicable suitability requirements."

Section 39. Section 16-4-101, MCA, is amended to read:

"**16-4-101. Applications for sale, import, or manufacture of beer -- qualifications of applicant.** (1) Except as provided in subsection (4), any person desiring to manufacture, distribute, import, or sell beer under the provisions of this code shall first apply to the department for a license to do so and pay with the application fee prescribed. The department shall require of the applicant satisfactory evidence that the applicant is suitable for carrying on the operations of a license.

(2) On being satisfied, from the application or otherwise, that the applicant is qualified, the department shall issue a license to the person, and the license must at all times be prominently displayed at the licensed premises.

(3) If the department finds that the applicant is not qualified, a license may not be granted and the license fee must be returned.

(4) A brewery that is not located in the state or a beer importer that holds the appropriate license from the United States department of the treasury that desires to distribute its beer within this state through licensed ~~beer wholesalers~~ *distributors* shall apply to the department for registration on forms to be prepared and furnished by the department.

(5) A brewery or beer importer may not ship beer into this state until the registration is granted by the department. The registration may be canceled or suspended by the department upon a finding after notice and hearing that the registrant has not complied with the terms of its registration."

Section 40. Section 16-4-106, MCA, is amended to read:

"**16-4-106. Beer and table wine license transfers.** A transfer of any brewer's, *distributor's,* ~~beer wholesaler's, table wine distributor's,~~ beer retailer's, or table wine retailer's license may be made on application to the department with the consent of the department, provided that the transferee qualifies under this code."

Section 41. Section 16-4-107, MCA, is amended to read:

"**16-4-107. Winery license -- winery and importer registration.** (1) (a) Wine, other than for personal consumption in conformity with federal exemptions from holding a basic permit as a bonded winery, may be manufactured or directly distributed to retailers within the state only by a licensed winery, and table wine may be shipped directly by a winery with a direct shipment endorsement as provided in 16-4-1101 to an individual in Montana who is at least 21 years of age. An application for a winery license must be accompanied by a fee of $400, which constitutes the first annual license fee, and a licensee shall in each succeeding year pay an annual fee as provided in 16-4-501. Winery licensees located in Montana must hold the appropriate basic permit required by the United States department of the treasury and be qualified for a license in accordance with the provisions of 16-4-401(2). Winery

licensees located in another state must hold the appropriate basic permit required by the United States department of the treasury and the appropriate license to manufacture wine from the state in which the winery is located and shall provide all other information required by the department.

(b) A winery located in Montana that is licensed to do business in the state shall, each quarter and in the manner and form prescribed by the department, report to the department the amount of wine manufactured or imported by the winery in the previous quarter and the winery's inventory. The department may at any time examine a winery's books.

(2) (a) A winery that is not located in the state or an importer of table wines that holds the appropriate license from the United States department of the treasury and that desires to distribute its table wines within this state through licensed ~~table wine~~ distributors shall apply to the department for registration on forms to be prepared and furnished by the department.

(b) Each winery shall furnish the department with a copy of each container label currently used by the winery on its products imported into Montana. The department shall require the winery or importer to agree to furnish monthly and other reports concerning quantities and prices of table wine that it ships into the state, names and addresses of consignees, and any other information that the department may determine to be necessary to ensure that importation and distribution of table wines within this state conform to the requirements of this code.

(c) A winery or importer of table wines may not ship table wines into this state until the registration is granted by the department. The registration may be canceled or suspended by the department upon a finding after notice and hearing that the registrant has not complied with the terms of its registration.

(3) A winery that is not located in Montana, that holds the appropriate license from the United States department of the treasury, that is not already registered with the department, and that desires to sell and ship table wine directly to individuals in Montana who are at least 21 years of age shall apply to the department for registration pursuant to subsection (2) and for a direct shipment endorsement pursuant to 16-4-1101."

Section 42. Section 16-4-313, MCA, is amended to read:

"**16-4-313. Sacramental wine license.** (1) The department may issue a sacramental wine license to an establishment whether located in or outside Montana that sells church supplies, including sacramental wine, at retail to rabbis, priests, pastors, ministers, or other officials of churches or other established religious organizations exclusively for use as sacramental wine or for other religious purposes. Sales of sacramental wine may not be made to the public.

(2) An application for a license under this section must be accompanied by a fee of $100, which constitutes the ~~first annual~~ *initial* license fee. The annual license renewal fee is $50.

(3) Unless the sacramental wine is purchased onsite, an establishment selling sacramental wine for religious purposes may sell and deliver directly to the religious organization's premises by:

(a) using the establishment's own employees and equipment;

(b) contracting with a licensed ~~table wine~~ distributor; or

(c) contracting with a common carrier, which maintains an alcohol shipment program, to ship and deliver the wine. If the wine is shipped and delivered by the common carrier, the shipment must be in boxes marked with the words "Wine Shipment From Sacramental Wine Licensee for Religious Purposes

Only" and the boxes must also be conspicuously labeled with the words "Contains Alcohol: Signature of Person 21 Years of Age or Older Required for Delivery".

(4) A sacramental wine licensee shall maintain records of all wine sales made during the preceding 2 years and shall allow the department access to the records when requested so that the department can ascertain whether the limitations of subsection (1) are being complied with. The required record must include the addresses to which the sacramental wine is delivered and the printed name of the official of the church or other religious organization who signed for delivery.

(5) A sacramental wine licensee located out of state making sales under the provisions of this section is considered a ~~table wine~~ distributor for the purposes of 16-1-411.

(6) Upon receipt of a completed application for a license under this section, the department shall, in exercising its sound discretion, determine whether:

(a) the applicant is qualified under this section to receive a license;

(b) the applicant's premises are suitable for the carrying on of the business; and

(c) the requirements of this code and the rules promulgated by the department are being met and complied with.

(7) License applications submitted under this section are not subject to the provisions of 16-3-402, 16-4-203, and 16-4-207.

(8) A person licensed under subsection (1) may transport sacramental wine from the licensee's premises to the religious organization's premises in any quantity for religious purposes.

(9) A sacramental wine licensee is not subject to the provisions of 16-4-1005 requiring licensees to ensure training."

Section 43. Section 16-4-314, MCA, is amended to read:

"**16-4-314. Academic brewer license under small brewer exception -- conditions.** (1) A postsecondary institution may apply for an academic brewer license under this section that allows the licensee to brew and sell beer to ~~wholesalers~~ *distributors* as provided in this section. The academic brewer license:

(a) does not allow for the sale of beer at retail and does not allow for the operation of a sample room as provided in 16-3-213;

(b) is limited to production of 10,000 barrels annually;

(c) allows for distribution only to ~~wholesalers~~ *distributors* as provided in 16-3-214;

(d) is under the ownership of a postsecondary institution;

(e) may not offer gambling activities;

(f) is otherwise subject to laws applying to brewery licenses as provided in this code; and

(g) must operate in an on-campus facility operated in conjunction with a beer-brewing class or curriculum taught at the postsecondary institution or in conjunction with research at the postsecondary institution.

(2) When a postsecondary institution has met the conditions in subsection (3) and has paid the fee specified for a brewer under 16-4-501, the department shall issue the academic brewer license.

(3) To obtain a license under this section, a postsecondary institution shall:

(a) document approval by the postsecondary institution's board of trustees or the board of regents of higher education, as applicable;

(b) identify the on-campus location of the site where classes in beer making are to be held or where research is to take place; and

(c) for criminal background requirements under 16-4-414, designate two or more individuals, each of whom must have responsibility for licensing compliance and each of whom must meet the requirements in 16-4-401(2)(a).

(4) For the purposes of this section, the term "postsecondary institution" means:

(a) a unit of the Montana university system as described in 20-25-201; or

(b) a Montana community college that is part of a community college district as defined in 20-15-101.

(5) The department may adopt rules to implement this section."

Section 44. Section 16-4-401, MCA, is amended to read:

"**16-4-401. License as privilege -- criteria for decision on application -- restrictions -- colocated licenses.** (1) A license under this code is a privilege that the state may grant to an applicant and is not a right to which any applicant is entitled.

(2) Except as provided in 16-4-311 and subsection (5) of this section and subject to subsection (8), the department shall find in every case in which it makes an order for the issuance of a new license, for the approval of the transfer of a license, or for the renewal of a license that:

(a) if the applicant is an individual:

(i) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments;

(ii) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored; and

(iii) the applicant is not under 19 years of age;

(b) if the applicant is a publicly traded corporation:

(i) the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a);

(ii) each individual who has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a); and

(iii) the corporation is authorized to do business in Montana;

(c) if the applicant is a privately held corporation, all of the following must apply:

(i) each owner of 15% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (2)(a). If no single owner owns more than 15% of the outstanding stock, the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a), and the owners of 51% of the outstanding stock must meet the requirements of subsection (2)(a).

(ii) each individual who has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a);

(iii) each person who shares in the profits or liabilities of a license meets the requirements for an individual applicant listed in subsection (2)(a). This subsection (2)(c)(iii) does not apply to a shareholder of a corporation who owns less than 15% of the outstanding stock in that corporation except that the provisions of subsection (7) apply.

(iv) the corporation is authorized to do business in Montana;

(d) if the applicant is a general partnership, each partner must meet the requirements of subsection (2)(a);

(e) if the applicant is a limited partnership or a limited liability partnership, each general partner and all limited partners whose ownership interest in the partnership equals or exceeds 15% must meet the requirements of subsection

(2)(a). If no single limited partner's interest equals or exceeds 15%, then 51% of all limited partners must meet the requirements of subsection (2)(a).

(f) if the applicant is a limited liability company:

(i) all managing members and those members whose ownership interest in the company equals or exceeds 15% must meet the requirements of subsection (2)(a). If no single member's interest equals or exceeds 15%, then 51% of all members must meet the requirements of subsection (2)(a).

(ii) the limited liability company is authorized to do business in Montana;

(g) if the applicant is a trust, the trustee must meet the requirements of subsection (2)(a);

(h) if the applicant is a nonprofit organization:

(i) the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a); and

(ii) the nonprofit organization is authorized to do business in Montana;

(i) if the applicant is a cooperative association:

(i) the applicant shall designate two or more officers or board members, each of whom must meet the requirements for an individual applicant listed in subsection (2)(a); and

(ii) the cooperative association is authorized to do business in Montana.

(3) The applicant and any individual of the applicant who must meet the requirements of (2)(a) must be current on all tax filings, taxes, interest, and penalties due to the state; however, nothing in this subsection authorizes the department to consider an applicant's tax status or whether the applicant was or is an income tax protestor when renewing the license.

(4) In the case of a corporate applicant, the requirements of subsection (2)(b) or (2)(c) apply separately to each class of stock.

(5) The provisions of subsection (2) do not apply to an applicant for or holder of a license pursuant to 16-4-302 or an applicant for registration under 16-4-101 or 16-4-107.

(6) An applicant's source of funding must be from a suitable source. A lender or other source of money or credit may be found unsuitable if the source:

(a) is a person whose prior financial or other activities or criminal record:

(i) poses a threat to the public interest of the state;

(ii) poses a threat to the effective regulation and control of alcoholic beverages; or

(iii) creates a danger of illegal practices, methods, or activities in the conduct of the licensed business; or

(b) has been convicted of a felony unless the person's rights have been restored.

(7) (a) Except as specifically provided in this code relating to financial interests in licenses, nothing in this section applies or otherwise prohibits an applicant or licensee from obtaining personal financing from a licensed financial institution, taking advantage of consumer credit, or using a personal credit card to make purchases on behalf of a licensed entity if the applicant or licensee is reimbursed by the licensed entity within 90 days. An applicant or individual may obtain multiple transactions up to an aggregate maximum of $100,000 with each individual transaction not to exceed $25,000 to be used on behalf of the licensed entity.

(b) A licensee's use of short-term financing of 90 days or less from institutional lenders and noninstitutional lenders does not constitute an undisclosed ownership interest in the license.

(c) It is the intent of this subsection (7) to facilitate the efficient administration of an entity licensed under this code.

(8) (a) An individual applying for an all-beverages license or having any ownership interest in an entity applying for an all-beverages license may not, if the application were to be approved, own an interest in more than half the total number of allowable all-beverages licenses in any quota area described in 16-4-201.

(b) If two or more individuals through a business or family relationship share in the profits or liabilities of all-beverages licenses, the aggregate number of licenses in which they share in the profits or liabilities may not exceed half the total number of allowable all-beverages licenses in the specific quota area in which the all-beverages licenses will be held.

(c) An applicant applying for an all-beverages license and any individual of the applicant who must meet the requirements of subsection (2)(a) may not, if the application were to be approved, possess an ownership interest in more than the limit established in 16-4-205 for establishments licensed under this chapter for all-beverages sales. However, resort retail all-beverages licenses issued under 16-4-213 do not count toward this limit.

(d) An applicant and any individual of the applicant who must meet the requirements of subsection (2)(a) may not possess an ownership interest in an agency liquor store as defined in 16-1-106.

(e) Except as provided in subsection (9), an applicant for an on-premises consumption license or any member of the applicant's immediate family must be without financing from and may not have any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages, except that an applicant's spouse may possess an ownership interest in one or more manufacturer licenses. This prohibition also applies to any individual of the applicant who must meet the requirements of subsection (2)(a).

(f) An applicant for an off-premises consumption license or any member of the applicant's immediate family must be without financing from and may not have any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages. This prohibition also applies to any individual of the applicant who must meet the requirements of subsection (2)(a).

(g) Except as provided in subsection (9), an applicant for a manufacturing, importing, or ~~wholesaling~~ *distributing* license and any individual of the applicant who must meet the requirements of subsection (2)(a) may not possess an ownership interest in any establishment licensed under this chapter for retail alcoholic beverage sales.

(h) An applicant for a ~~wholesale~~ *distributor* license and any individual of the applicant who must meet the requirements of subsection (2)(a) may not be a manufacturer of an alcoholic beverage or owned or controlled by a manufacturer of an alcoholic beverage.

(9) (a) A person with an ownership interest in a licensed brewery or licensed winery may hold complete ownership of up to a combined total of three retail licenses issued pursuant to 16-4-105 or 16-4-201. The owner of a retail license issued pursuant to 16-4-105 or 16-4-201 may hold complete ownership of brewery or winery licenses. The first of these licenses must be a colocated license.

(b) A person with an ownership interest in a licensed distillery may hold complete ownership of up to three retail licenses issued pursuant to 16-4-201. The owner of a retail license issued pursuant to 16-4-201 may hold complete ownership of distillery licenses. The first of these licenses must be a colocated license.

(c) A person with an ownership interest in a retail license issued pursuant to 16-4-105 may not also have an ownership interest in a distillery license.

(d) To hold both a manufacturing license and a retail license pursuant to this subsection (9), a licensee:

(i) must maintain both the manufacturing license and the retail license on the same premises for the first of these licenses, known as a colocated premises;

(ii) must have 100% of the same ownership between the manufacturing license and the retail license; and

(iii) must provide and serve through the retail license alcohol produced by other manufacturers that are not affiliated or financially interested, either directly or indirectly, in the conduct or operation of the business in which the license was issued pursuant to 16-4-105 and 16-4-201, or the licensed brewery, winery, or distillery.

(e) Colocated licenses may transfer beer manufactured, liquor distilled, or wine produced by the licensee between the colocated manufacturing license and the retail license without it being considered distributed or delivered as provided in this code.

(f) For the purposes of this code, the following definitions apply:

(i) "Colocated license" means a manufacturing license and a retail license owned completely by a licensee and that are operated at one premises.

(ii) "Colocated premises" means a premises where a manufacturing license and a retail license are both located."

Section 45. Section 16-4-406, MCA, is amended to read:

"**16-4-406. Renewal -- suspension or revocation -- penalty -- mitigating and aggravating circumstances -- contrived events.** (1) The department shall, upon a written, verified complaint of a person, request that the department of justice investigate the action and operation of a brewer, winery, ~~wholesaler,~~ domestic distillery, ~~table wine~~ distributor, beer or wine importer, retailer, concessionaire, or any other person or business licensed or registered under this code.

(2) Subject to the opportunity for a hearing under the Montana Administrative Procedure Act, if the department, after reviewing admissions of either the licensee or concessionaire or receiving the results of the department of justice's or a local law enforcement agency's investigation, has reasonable cause to believe that a licensee or concessionaire has violated a provision of this code or a rule of the department, it may, in its discretion and in addition to the other penalties prescribed:

(a) reprimand a licensee or concessionaire or both;

(b) proceed to revoke the license of the licensee or the concession agreement of the concessionaire or both only if the violations jeopardize health, welfare, and safety or there is not a proposed cure in place;

(c) suspend the license or the concession agreement or both for a period of not more than 3 months;

(d) refuse to grant a renewal of the license or concession agreement or both after its expiration only if the violations jeopardize health, welfare, and safety or there is not a proposed cure in place; or

(e) impose a civil penalty not to exceed $1,500.

(3) The department shall consider mitigating circumstances and may adjust penalties within penalty ranges based on its consideration of mitigating circumstances. Examples of mitigating circumstances are:

(a) there have been no violations by the licensee or concessionaire or both within the past 3 years;

(b) there have been good faith efforts by the licensee or concessionaire or both to prevent a violation;

(c) written policies exist that govern the conduct of the licensee's employees or the concessionaire's employees or both;

(d) there has been cooperation in the investigation of the violation that shows that the licensee or concessionaire or both or an employee or agent of the licensee or concessionaire or both accepts responsibility; or

(e) the licensee or concessionaire or both have provided responsible alcohol server training to all of their employees.

(4) The department shall consider aggravating circumstances and may adjust penalties within penalty ranges based on its consideration of aggravating circumstances. Examples of aggravating circumstances are:

(a) prior warnings about compliance problems;

(b) prior violations within the past 3 years;

(c) lack of written policies governing employee conduct;

(d) multiple violations during the course of the investigation;

(e) efforts to conceal a violation;

(f) the intentional nature of the violation; or

(g) involvement of more than one patron or employee in a violation.

(5) The department may not issue a violation to a licensee or a concessionaire provided the investigation was not based on complaints or on observed misconduct but was based solely on a contrived event by the investigating authority or another designated organization creating the opportunity for a violation. The department may issue a violation only if the licensee or concessionaire fails more than two contrived event investigations within a 3-year period beginning with the first failure. For purposes of this section, the first two violations resulting from a contrived event investigation within a 3-year period do not constitute a violation of this code, and the department may not consider these violations in considering any mitigating circumstances and penalties as provided in this section."

Section 46. Section 16-4-407, MCA, is amended to read:

"**16-4-407. Renewal and nonrenewal of licenses -- notices of federal permit.** (1) Each July 1 or, when applicable, on the licensee's anniversary date, the department shall issue licenses to brewers, wineries, distillers, ~~beer importers, beer wholesalers, table wine~~ distributors, or retailers on an annual basis on receipt of a completed renewal form and payment of the fees prescribed by law.

(2) Subject to the opportunity for a hearing, the department may refuse to renew a license if the licensee no longer qualifies for licensure under 16-4-401, a completed license renewal form has not been received, or the annual renewal fees required by 16-4-501 are not paid by July 1 or, when applicable, the licensee's anniversary date.

(3) The department shall notify each applicant for an original license or renewal that it is the applicant's responsibility to determine if applicable provisions of federal law require the applicant to obtain a permit from a federal agency."

Section 47. Section 16-4-501, MCA, is amended to read:

"**16-4-501. License and permit fees.** (1) Each beer licensee licensed to sell either beer or table wine only or both beer and table wine under the provisions of this code shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

(a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, $500;

(ii) for each storage depot, $400;

(b) (i) each ~~license for selling and distributing beer, table wine, or sacramental wine at wholesale to licensed retailers or table wine to agency liquor stores under 16-4-113~~ *distributor*, $400; each winery, $200;

(ii) for each subwarehouse and winery storage depot, $400;

(c) each beer and wine retailer, $400;

(d) (i) for a license to sell beer at retail for off-premises consumption only, $200;

(ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, $200;

(e) any unit of a nationally chartered veterans' organization, $50.

(2) The permit fee under 16-4-301(1) is computed at the following rate:

(a) $10 a day for each day that beer and table wine are sold at events, activities, or sporting contests, other than those applied for pursuant to 16-4-301(1)(c); and

(b) $1,000 a season for professional sporting contests or junior hockey contests held under the provisions of 16-4-301(1)(c).

(3) The permit fee under 16-4-301(2) is $10 for the sale of beer and table wine only or $20 for the sale of all alcoholic beverages.

(4) Passenger carrier licenses must be issued on payment by the applicant of an annual license fee in the sum of $300.

(5) The annual renewal fee for:

(a) a brewer producing 10,000 or fewer barrels of beer, as defined in 16-1-406, is $200;

(b) resort retail all-beverages licenses within a given resort area is $2,000 for each license; and

(c) a continuing care retirement community limited all-beverages license is $500 for each license.

(6) Except as provided in this section, each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:

(a) for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, $250 for a unit of a nationally chartered veterans' organization and $400 for all other licensees;

(b) for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $350 for a unit of a nationally chartered veterans' organization and $500 for all other licensees;

(c) for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $500 for a unit of a nationally chartered veterans' organization and $650 for all other licensees;

(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $650 for a unit of a nationally chartered veterans' organization and $800 for all other licensees;

(e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated

town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.

(f) an applicant for the issuance of a resort retail all-beverages license shall pay a $100,000 license fee on issuance of the license. The resort retail all-beverages license may be transferred to another location within the boundaries of the resort area or to another owner to be used at a location within the boundaries of the resort area.

(7) The fee for one all-beverages license to a public airport is $800. This license is nontransferable.

(8) The annual fee for a retail beer and wine license to the Yellowstone airport is $400.

(9) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303 is $250.

(10) (a) The annual fee for a distillery is $600.

(b) The annual fee for each distillery storage depot is $400.

(11) The license fees provided in this section are exclusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beverages.

(12) In addition to other license fees, the department may require a licensee to pay a late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's anniversary date, 66 2/3% of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month after the licensee's anniversary date, and 100% of any license fee delinquent on September 1 of the renewal year or 1 year and 2 months after the licensee's anniversary date.

(13) All license and permit fees collected under this section must be deposited as provided in 16-2-108."

Section 48. Section 16-4-906, MCA, is amended to read:

"**16-4-906. Out-of-state brewery registration -- limitation on shipping -- penalty.** (1) Each out-of-state brewery desiring to ship beer to a person holding a connoisseur's license shall register with the department on forms provided by the department.

(2) The annual limit on out-of-state shipments to all connoisseur's license holders is 1,440 bottles or 60 cases of beer.

(3) For any shipment into the state that exceeds the limits provided for in subsection (2), the out-of-state brewery may:

(a) distribute the brewery's product through a licensed ~~wholesale~~ distributor; or

(b) distribute as a brewery in accordance with the provisions of 16-3-214.

(4) An out-of-state brewery that violates the provisions of this section is subject to the penalties provided for in 16-6-302."

Section 49. Repealer. The following sections of the Montana Code Annotated are repealed:

16-3-217. Purposes.
16-3-218. "Distribute" defined.
16-3-219. Dock sales restricted -- exceptions.
16-3-220. Wholesalers' service obligations -- applicability.
16-3-221. Illegal acts by brewers or beer importers.
16-3-222. Mandatory provisions of brewer-wholesaler or beer importer-wholesaler contracts, agreements, and franchises.
16-3-223. Transfer of wholesaler's interest in business.
16-3-224. Contractual or franchise relationship -- existence by actions.
16-3-225. Injunction to prevent franchise cancellation.

16-3-226. Brewer-wholesaler or beer importer-wholesaler agreements filed with department.
16-3-230. Beer required to be shipped to wholesaler.
16-3-231. Monthly report of wholesaler.
16-3-232. Beer sales by wholesaler.
16-3-233. Sales to public by wholesaler unlawful.
16-3-234. Consumption of beer on wholesalers' premises unlawful.
16-3-401. Short title -- public policy -- purpose.
16-3-403. To whom table wine distributor may sell.
16-3-404. Monthly report of table wine distributor and retailer.
16-3-415. Definitions.
16-3-416. Table wine distributor provisions.
16-3-417. Supplier provisions.
16-3-418. Dual appointments -- equal support -- alternate supplier -- dock sales.
16-3-419. Suppliers' prohibitions.
16-3-420. Applicability.
16-3-421. Injunction.
16-4-113. Combined beer wholesaler and table wine distributor license.

Section 50. Codification instruction. [Sections 1 through 20] are intended to be codified as a new part in Title 16, chapter 3, and the provisions of Title 16, chapter 3, apply to [sections 1 through 20].

Section 51. Effective date. [This act] is effective on passage and approval.

Approved May 12, 2025

CHAPTER NO. 638

[HB 129]

AN ACT PROVIDING AN INCOME TAX BENEFIT FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER EMERGENCY CARE PROVIDERS; PROVIDING A DEDUCTION FROM TAXABLE INCOME; LIMITING THE DEDUCTION TO FULL-SERVICE VOLUNTEERS; PROVIDING FOR AN ANNUAL INCREASE IN THE DEDUCTION BY AN INFLATION FACTOR; AMENDING SECTION 15-30-2120, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Section 15-30-2120, MCA, is amended to read:

"**15-30-2120. Adjustments to federal taxable income to determine Montana taxable income.** (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest except to the extent already included in federal taxable income;

(b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(c) depreciation or amortization taken on a title plant as defined in 33-25-105;

(d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661;

(g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family residence;

(i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction claimed;

(j) for an individual taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c); and

(k) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C 164(a)(3).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2) and (3)(b) through ~~(3)(o)~~ *(3)(p)*;

(b) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(c) (i) salary received from the armed forces by residents of Montana who are serving on active duty in the regular armed forces and who entered into active duty from Montana;

(ii) the salary received by residents of Montana for active duty in the national guard. For the purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(A) Title 10, U.S.C.; or

(B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person

was a member of a unit engaged in a homeland defense activity or contingency operation.

(iii) the amount received by a beneficiary pursuant to 10-1-1201; and

(iv) all payments made under the World War I bonus law, the Korean bonus law, and the veterans' bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law, Korean bonus law, and the veterans' bonus law is considered an overpayment and must be refunded upon the filing of an amended return and a verified claim for refund on forms prescribed by the department in the same manner as other income tax refund claims are paid.

(d) annual contributions and income in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(e) contributions or earnings withdrawn from a family education savings account provided for in Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(f) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(g) for each taxpayer that has attained the age of 65, an additional subtraction of $5,500;

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104;

(i) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1;

(j) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not previously allowed as a deduction for Montana income tax purposes;

(k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(l) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163;

(m) payments from the Montana end of watch trust as provided in 2-15-2041;

(n) (i) subject to subsection (9), a portion of military pensions or military retirement income as calculated pursuant to subsection (8) that is received by a retired member of:

(A) the armed forces of the United States, as defined in 10 U.S.C. 101;

(B) the Montana army national guard or the army national guard of other states;

(C) the Montana air national guard or the air national guard of other states; or

(D) a reserve component, as defined in 38 U.S.C. 101, of the United States armed forces; and

(ii) subject to subsection (9), up to 50% of all income received as survivor benefits for military service provided for in subsection (3)(n)(i)(A) through (3)(n)(i)(D); ~~and~~

(o) subject to subsection (10), for each taxpayer that is a qualified volunteer firefighter or volunteer emergency care provider, an additional subtraction of $3,000; and

~~(o)~~*(p)* the amount of the property tax rebate received under 15-1-2302.

(4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (5)(a) applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced federal taxable income.

(b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for in 15-62-208.

(6) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

(b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in 53-25-118.

(7) *(a)* By November 1 of each year, the department shall multiply the ~~subtraction~~ *subtractions* from federal taxable income *in subsections (3)(g) and (3)(o) by the inflation factor for that tax year* for a taxpayer that *either:*

(i) has attained the age of 65 ~~contained in subsection (3)(g) by the inflation factor for that tax year.~~*; or*

(ii) is a qualified volunteer firefighter or volunteer emergency care provider.

(b) The department shall round the results in subsection (7)(a) ~~rounding the result~~ to the nearest $10. The resulting ~~amount is~~ *amounts are* effective for that tax year and must be used as the basis for the subtraction from federal taxable income determined under ~~subsection~~ *subsections* (3)(g) *and (3)(o).*

(8) (a) Subject to subsection (9), the subtraction in subsection (3)(n)(i) is equal to the lesser of:

(i) the amount of Montana source wage income on the return; or

(ii) 50% of the taxpayer's military pension or military retirement income.

(b) For the purposes of subsection (8)(a)(i), "Montana source wage income" means:

(i) wages, salary, tips, and other compensation for services performed in the state;

(ii) net income from a trade, business, profession, or occupation carried on in the state; and

(iii) net income from farming activities carried on in the state.

(9) The subtractions in subsection (3)(n):

(a) may only be claimed by a person who:

(i) becomes a resident of the state after June 30, 2023; or

(ii) was a resident of the state before receiving military pension or military retirement income and remained a resident after receiving military pension or military retirement income;

(b) may only be claimed for 5 consecutive years after satisfying the provisions of subsection (9)(a); and

(c) are not available if a taxpayer claimed the exemption before becoming a nonresident.

(10) To be entitled to the subtraction in subsection (3)(o), a taxpayer, during the year for which the deduction is claimed, must have:

(a) been a volunteer firefighter as defined in 19-17-102 or a volunteer emergency care provider as defined in 50-6-202;

(b) been an active, nonpaid member during the entire calendar year of the same volunteer fire company organized under the provisions of Title 7, chapter 33, part 21, 22, 23, or 24, or the same emergency medical service as defined in 50-6-302; and

(c) completed a minimum of 30 hours of training as specified in 19-17-108(3) for volunteer firefighters or completed the number of training hours prescribed by the state board of medical examiners for emergency care providers. (Subsection ~~(3)(o)~~ *(3)(p)* terminates June 30, 2025--sec. 10, Ch. 47, L. 2023; subsections (3)(n), (8), and (9) terminate December 31, 2033--sec. 4, Ch. 650, L. 2023.)"

Section 2. Transition. The department of revenue shall update the subtraction amount in 15-30-2120(3)(o) for a qualified volunteer firefighter or volunteer emergency care provider pursuant to 15-30-2120(7) by making the inflation adjustment applicable to income tax years beginning after December 31, 2026.

Section 3. Effective date. [This act] is effective January 1, 2026.

Section 4. Applicability. [This act] applies to income tax years beginning after December 31, 2025.

Approved May 12, 2025

CHAPTER NO. 639

[HB 137]

AN ACT REVISING SECURITIES REGISTRATION FEES TO ELIMINATE THE DISTINCTION BETWEEN IN-STATE AND OUT-OF-STATE SALESPERSONS OR INVESTMENT ADVISER REPRESENTATIVES; AMENDING SECTION 30-10-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Section 30-10-209, MCA, is amended to read:

"**30-10-209. Fees.** The following fees must be paid in advance under the provisions of parts 1 through 3 of this chapter:

(1) (a) For the registration of securities by notification, coordination, or qualification or for notice filing of a federal covered security, there must be paid to the commissioner for the initial year of registration or notice filing a fee of $200 for the first $100,000 of initial issue or portion of the first $100,000 in this state, based on offering price, plus 1/10 of 1% for any excess over $100,000, with a maximum fee of $1,000.

(b) Each succeeding year, a registration of securities or a notice filing of a federal covered security may be renewed, prior to its termination date, for an additional year upon consent of the commissioner and payment of a renewal fee to be computed at 1/10 of 1% of the aggregate offering price of the securities that are to be offered in this state during that year. The renewal fee may not be less than $200 or more than $1,000. The registration or the notice filing may be amended to increase the amount of securities to be offered.

(c) If a registrant or issuer of federal covered securities sells securities in excess of the aggregate amount registered for sale in this state or for which a notice filing has been submitted, the registrant or issuer may file an amendment to the registration statement or notice filing to include the excess sales. If the registrant or issuer of a federal covered security fails to file an amendment before the expiration date of the registration order or notice, the registrant or issuer shall pay a filing fee for the excess sales of three times the amount calculated in the manner specified in subsection (1)(b). Registration or notice of the excess securities is effective retroactively to the date of the existing registration or notice.

(d) Each series, portfolio, or other subdivision of an investment company or similar issuer is treated as a separate issuer of securities. The issuer shall pay a notice filing fee to be calculated as provided in subsections (1)(a) through (1)(c). The notice filing fee collected by the commissioner must be deposited in the state special revenue account provided for in 30-10-115. The issuer shall pay a fee of $50 for each filing made for the purpose of changing the name of a series, portfolio, or other subdivision of an investment company or similar issuer.

(2) (a) For registration of a broker-dealer or investment adviser, the fee is $400 for original registration and $400 for each annual renewal.

(b) (i) For registration of a salesperson or investment adviser representative, the fee~~:~~

~~(A) for an out-of-state salesperson or investment adviser representative~~ is $100 for original registration with each employer, $100 for each annual renewal, and $100 for each transfer~~; and~~

~~(B) for an in-state salesperson or investment adviser representative is $50 for original registration with each employer, $50 for each annual renewal, and $50 for each transfer~~.

(ii) A salesperson who is registered as an investment adviser representative with a broker-dealer registered as an investment adviser is not required to pay the fee in subsection (2)(b)(i)~~(A) or (2)(b)(i)(B)~~ to register as an investment adviser representative.

(iii) A salesperson or investment adviser representative who has paid the fee for registration, renewal, or transfer required by this section prior to [the effective date of this act] is not required to pay a new or additional fee for a registration, renewal, or transfer that occurred prior to [the effective date of this act].

(c) For a federal covered adviser, the fee is $400 for the initial notice filing and $400 for each annual renewal.

(3) For certified or uncertified copies of any documents filed with the commissioner, the fee is the cost to the department.

(4) For a request for an exemption under 30-10-105(15), the fee must be established by the commissioner by rule. For a request for any other exemption or an exception to the provisions of parts 1 through 3 of this chapter, the fee is $100.

(5) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of $10 may be refunded.

(6) (a) Except as provided in subsection (6)(b), all fees, miscellaneous charges, fines, and penalties collected by the commissioner pursuant to parts 1 through 3 of this chapter and the rules adopted under parts 1 through 3 of this chapter must be deposited in the general fund.

(b) From March 7, 2013, through June 30, 2027, the fees collected under subsection (1)(b), the notice filing fees provided for in subsection (1)(d), and the amounts collected for examination costs under 30-10-210 are subject to deposit as provided in 30-10-115(2). On or after July 1, 2027, the notice filing fees provided for in subsection (1)(d) and the amounts collected for examination costs under 30-10-210 are subject to deposit as provided in 30-10-115(2)."

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

Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to registration fees paid on or after May 9, 2019.

Approved May 12, 2025

CHAPTER NO. 640

[HB 140]

AN ACT PROVIDING PROPERTY TAX ASSISTANCE FOR FIRST RESPONDERS INJURED IN THE LINE OF DUTY AND SURVIVING SPOUSES OF FIRST RESPONDERS KILLED IN THE LINE OF DUTY; PROVIDING ELIGIBILITY REQUIREMENTS; PROVIDING DEFINITIONS; EXPANDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-6-301, 15-6-302, AND 15-6-312, MCA; AND PROVIDING AN APPLICABILITY DATE.

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

Section 1. Injured first responder program. (1) The residential real property of a qualified first responder or a qualified first responder's spouse is eligible to receive a tax rate reduction as provided in 15-6-302 and this section.

(2) Property qualifying under subsection (1) and owned by a qualified first responder is taxed at the rate provided in 15-6-134 multiplied by a percentage figure based on the applicant's qualifying income determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
$0 - $45,803	$0 - $54,963	0%
$45,804 - $50,384	$54,964 - 59,544	20%
$50,385 - $54,963	$59,545 - $64,124	30%
$54,964 - $59,554	$64,125 - $68,705	50%

(3) For a surviving spouse who owns property qualifying under subsection (4), the property is taxed at the rate established by 15-6-134 multiplied by a percentage figure based on the spouse's qualifying income determined from the following table:

Income Surviving Spouse	Percentage Multiplier
$0 - $38,169	0%
$38,170 - $42,750	20%
$42,751 - $47,330	30%
$47,331 - $51,911	50%

(4) The property tax exemption under this section remains in effect as long as the qualifying income requirements are met and the property is the primary residence owned and occupied by the qualified first responder or, if the first responder is deceased, by the first responder's spouse, and the spouse:

(a) is the owner and occupant of the house;

(b) is unmarried; and

(c) has obtained a letter from the first responder's employer indicating that the first responder was killed in the line of duty or died from a disability resulting from an injury in the line of duty.

(5) The qualifying income levels contained in subsections (2) and (3) must be adjusted annually by using the PCE inflation factor defined in 15-6-301, rounded to the nearest whole dollar amount. If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year.

Section 2. Section 15-6-301, MCA, is amended to read:

"**15-6-301. Definitions.** As used in this part, the following definitions apply:

(1) "Annual verification" means the use of a process to:

(a) verify an applicant's income;

(b) approve, renew, or deny benefits for the current year based upon the applicant's eligibility; and

(c) terminate participation based upon death or loss of status as a qualified veteran or veteran's spouse.

(2) "Firefighter" means a firefighter qualified under 7-33-4107 who receives full or partial pay or a volunteer firefighter as defined in 19-17-102.

(3) "First responder" means a law enforcement officer, firefighter, or volunteer emergency care provider.

(4) "Injured in the line of duty" means an injury directly related to an individual's required employment duties.

(5) "Law enforcement officer" means a police officer, sheriff, deputy sheriff, undersheriff, highway patrol officer, investigator appointed by the department of justice, fish and game warden, park ranger, or other public safety officer certified by the public safety officer standards and training council.

~~(2)~~*(6)* "PCE" means the implicit price deflator (price index) for personal consumption expenditures as published in the national income and product accounts by the bureau of economic analysis of the U.S. department of commerce.

~~(3)~~*(7)* "PCE inflation factor" for a tax year means the PCE price index value for the first quarter of the prior tax year before the tax year divided by the PCE price index value for the first quarter of 2023.

~~(4)~~*(8)* (a) "Primary residence" is, subject to the provisions of subsection ~~(4)(b)~~ *(8)(b)*, a dwelling:

(i) in which a taxpayer can demonstrate the taxpayer lived for at least 7 months of the year for which benefits are claimed;

(ii) that is the only residence for which property tax assistance is claimed; and

(iii) determined using the indicators provided for in the rules authorized by 15-6-302(2).

(b) A primary residence may include more than one dwelling when the taxpayer's combined residence in the dwellings is at least 7 months of the tax year.

(9) "Qualified first responder" means a first responder:

(a) who was killed in the line of duty or died from a disability resulting from an injury in the line of duty; or

(b) who, if living:

(i) receives a disability retirement benefit pursuant to 19-6-601, 19-7-601, 19-8-701, 19-9-902, 19-13-802, 19-17-601, or 19-18-604; or

(ii) for an injured volunteer emergency care provider, receives compensation for permanent total disability under 39-71-702 or for permanent partial disability under 39-71-703.

~~(5)~~*(10)* "Qualified veteran" means a veteran:

(a) who was killed while on active duty or died as a result of a service-connected disability; or

(b) if living:

(i) was honorably discharged from active service in any branch of the armed services; and

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs.

~~(6)~~*(11)* "Qualifying income" means:

(a) the federal adjusted gross income excluding capital and income losses of an applicant and the applicant's spouse as calculated on the Montana income tax return for the prior year;

(b) for assistance under 15-6-311, the federal adjusted gross income excluding capital and income losses of an applicant as calculated on the Montana income tax return for the prior tax year; or

(c) for an applicant who is not required to file a Montana income tax return, the income determined using available income information.

~~(7)~~*(12)* "Qualifying property" means a primary residence that a qualified applicant owned and occupied for at least 7 months during the tax year.

~~(8)~~*(13)* "Residential real property" means the land and improvements of a taxpayer's primary residence.

(14) "Volunteer emergency care provider" has the same meaning as provided in 50-6-202."

Section 3. Section 15-6-302, MCA, is amended to read:

"**15-6-302. Property tax assistance -- rulemaking.** (1) The requirements of this section must be met for a taxpayer to qualify for property tax assistance under 15-6-305*,* ~~or~~ 15-6-311*, or [section 1]*.

(2) For the property tax assistance programs provided for in 15-6-305*,* ~~and~~ 15-6-311, *and [section 1],* the residential real property must be owned by the applicant or under contract for deed and be the primary residence as defined

in 15-6-301. The department shall make rules specifying the indicators used for determining whether a residence is a primary residence for purposes of property tax assistance programs.

(3) An applicant's qualifying income, as defined in 15-6-301, may not exceed the threshold established in 15-6-305, ~~or~~ 15-6-311, *or [section 1],* or in rules established pursuant to those sections.

(4) (a) A claim for assistance must be submitted on a form prescribed by the department.

(b) The form must contain:

(i) the qualifying income of the applicant and the applicant's spouse;

(ii) an affirmation that the applicant owns and maintains the land and improvements as the primary residence as defined in 15-6-301;

(iii) the social security number of the applicant and of the applicant's spouse; and

(iv) any other information required by the department that is relevant to the applicant's eligibility.

(5) (a) An application must be filed by April 15 of the year for which assistance is first claimed.

(b) Once assistance is approved, the applicant remains eligible for property tax assistance in subsequent years through the annual verification process defined in 15-6-301 without the need to reapply.

(c) A taxpayer shall inform the department of any change in eligibility occurring from one year to the next.

(6) The department may verify an applicant's and an applicant's spouse's social security number and benefits with the social security administration and the U.S. department of veterans affairs.

(7) The department must annually verify an applicant's eligibility, including the applicant's and spouse's income, and approve, renew, or deny benefits for the current year based upon the findings.

(8) (a) When providing information for property tax assistance under 15-6-305, ~~or~~ 15-6-311, *or [section 1],* applicants are subject to the false swearing penalties established in 45-7-202.

(b) The department may investigate the information provided in an application and an applicant's continued eligibility.

(c) The department may request applicant verification of the primary residence.

(9) The department may address unusual circumstances of ownership and income that arise in administering taxpayer assistance programs provided for in 15-6-305, ~~and~~ 15-6-311, *and [section 1].* For the disabled veteran program provided for in 15-6-311, "unusual circumstances" includes:

(a) living expenses and income above normal and typical annual income used for funeral expenses or medical expenses, including medical expenses related to rehabilitation expenses, nontypical medical expenses, or major medical expenses of an immediate family member;

(b) unusual expenditures for necessary home and living expenses, such as major home repairs, vehicle replacement, and education or career training; and

(c) any other unusual factual circumstances regarding ownership and income.

(10) A temporary stay in a nursing home or similar facility does not change a taxpayer's primary residence for the purposes of taxpayer assistance programs provided for in 15-6-305, ~~and~~ 15-6-311, *and [section 1].*

(11) The department shall award property assistance under the property tax assistance program that provides the greatest benefit to the taxpayer by

reviewing applications and eligibility requirements, and notify the applicant of the department's decision."

Section 4. Section 15-6-312, MCA, is amended to read:

"**15-6-312. Time period for property tax assistance.** (1) A person who qualifies for assistance under 15-6-305*,* ~~or~~ 15-6-311*, or [section 1]* is entitled to assistance as provided for in this section.

(2) The property tax assistance is provided for the full tax year:

(a) in the first year in which the applicant qualifies for assistance if the applicant resides in the qualifying property for the remainder of the tax year;

(b) if the applicant resides in the qualifying property for the full tax year;

(c) for qualifying property owned by an applicant at the time the tax roll is provided to the county treasurer for billing if 15-6-301~~(4)(b)~~*(8)(b)* applies.

(3) If an applicant who qualifies for assistance sells the qualifying property and does not purchase a new residence during the tax year, the assistance is provided for the number of days the taxpayer owned the qualifying property during the tax year based on the date of sale.

(4) (a) Except as provided in subsection (4)(b), a person who purchases a qualifying property is not entitled to assistance for the partial tax year during which the person owns the property. The property must be assessed at the full tax rate for the portion of the year the person owns the property based on the date of sale.

(b) If the sale date is after the county treasurer sends the tax notice provided for in 15-16-101(2), the tax notice may not be revised based on the change in ownership."

Section 5. Transition. The department of revenue shall update the income limits in [section 1] pursuant to [section 1(4)] for tax year 2026.

Section 6. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 6, part 3, and the provisions of Title 15, chapter 6, part 3, apply to [section 1].

Section 7. Applicability. [This act] applies to property tax years beginning January 1, 2026.

Approved May 12, 2025

CHAPTER NO. 641

[HB 153]

AN ACT GENERALLY REVISING LAWS RELATED TO THE SCHOOL FUNDING INTERIM COMMISSION; REVISING THE MEMBERSHIP OF THE COMMISSION; ESTABLISHING A DEADLINE FOR APPOINTMENTS TO THE COMMISSION; MODIFYING THE COMMISSION'S FOCUS FOR THE 2025-2026 INTERIM; CREATING AN INNOVATION AND EXCELLENCE IN EDUCATION WORKING GROUP FOR THE 2025-2026 INTERIM AND PROVIDING DUTIES OF THE WORKING GROUP; PROVIDING AN APPROPRIATION; AMENDING SECTION 5-20-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 5-20-301, MCA, is amended to read:

"**5-20-301. School funding interim commission.** (1) There is a school funding interim commission that must be formed during the 2015-2016 interim and each successive fifth interim pursuant to 20-9-309. The commission shall:

(a) conduct a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools; ~~and~~

(b) if necessary, recommend to the following legislature changes to the state's funding formula*;*

(c) in considering changes to the funding formula or in designing a new funding formula, strive for a funding formula that:

(i) is understandable, transparent, and equitable, including adjustments for student needs, district characteristics, and local property wealth disparities;

(ii) utilizes revenue sources that are stable and predictable;

(iii) prioritizes funding the education of children in the current year, and not simply funding a system of schools based on prior year enrollment;

(iv) reduces administrative burdens and costs and drives funding toward classroom instruction;

(v) allows for parental choice within an expanded public education system;

(vi) eliminates the need for tuition payments between school districts;

(vii) minimizes property tax impacts related to the reappraisal cycle; and

(viii) incorporates free market principles where appropriate and rewards school districts based on student academic growth, achievement, and proficiency rather than head counts and seat time; and

(d) for the commission formed during the 2025-2026 interim, prior to conducting the study under subsection (1)(a), form an innovation and excellence in education working group to develop recommendations, objectives, and an implementation plan as described in subsection (10) to improve the basic system of free, quality, public elementary and secondary schools.

(2) In conducting the study, the commission may:

(a) review the work of previous studies and commissions;

(b) consider recommendations and topics provided by other interim or standing legislative committees, the board of public education, the office of public instruction, the governor's office, private organizations, professional educators, school trustees, and members of the public;

(c) review how the state's education funding policy has evolved as a result of litigation;

(d) seek input from representatives from the board of public education, the office of public instruction, the governor's office, private organizations, professional educators, school trustees, and members of the public;

(e) consider the state's existing and projected financial resources as well as the needs and concerns of Montana taxpayers;

(f) authorize research and studies to be conducted by reputable and reliable experts in the public or private sectors; and

(g) request research and analysis from the legislative fiscal division, the office of public instruction, the department of revenue, and any other state agency or entity that maintains information or data relevant to the study.

(3) The members of the commission are:

(a) six members of the house of representatives~~, three from the majority party and three from the minority party~~*,, three from the majority party and three from the minority party,* appointed by the speaker of the house in consultation with the house majority leader and the house minority leader;

(b) six members of the senate~~, three from the majority party and three from the minority party~~*,, three from the majority party and three from the minority party,* appointed by the president of the senate in consultation with the senate majority leader and the senate minority leader; ~~and~~

~~(c) four members of the public to be appointed as follows:~~

~~(i) two public members appointed by the speaker of the house with the consent of the house minority leader; and~~

~~(ii) two public members appointed by the president of the senate with the consent of the senate minority leader~~

(c) four members of the public to be appointed as follows:

(i) two public members appointed by the speaker of the house with the consent of the house minority leader; and

(ii) two public members appointed by the president of the senate with the consent of the senate minority leader;

(d) the presiding officer of the board of public education or the presiding officer's designee;

(e) the superintendent of public instruction or the superintendent's designee;

(f) the presiding officer of the board of regents of higher education or the presiding officer's designee; and

(g) the governor or the governor's designee.

(4) Appointments to the commission must be made by May 1 in a year the commission is to form, pursuant to subsection (1).

~~(4)~~*(5)* The commission shall select its presiding officer *and vice presiding officer, who must be legislators,* at the first meeting of the commission.

~~(5)~~*(6)* The commission is attached for administrative purposes to the legislative services division, and the legislative services division shall provide sufficient and appropriate support to the commission in order that it may carry out its statutory duties, within the limitations of legislative appropriations.

~~(6)~~*(7)* The commission is staffed by the legislative services division. The legislative fiscal analyst shall assign staff to assist the commission.

~~(7)~~*(8)* The commission shall issue a report to the legislature in accordance with 5-11-210 on the commission's findings and recommendations, including any draft legislation for amending the state school funding formula.

~~(8)~~*(9)* Unless the person is a full-time salaried officer or employee of the state or a political subdivision of the state, a nonlegislative member appointed to the commission is entitled to salary and expenses to the same extent as a legislative member. If the appointee is a full-time salaried officer or employee of the state or of a political subdivision of the state, the appointee is entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503.

(10) (a) The innovation and excellence in education working group is composed of the commission and others as determined by the commission. The commission shall include representation from teachers, school administrators, school trustees, and parent advocacy groups in forming the working group.

(b) The innovation and excellence in education working group shall:

(i) conduct a benchmarking or gap analysis study comparing the education policies of Montana to the education policies of high-performing international and domestic education systems or review a similar analysis conducted for another state;

(ii) develop recommendations to adapt the appropriate education policies of high-performing education systems for the public education system in Montana;

(iii) identify objectives to put the education performance of pupils in Montana in parity with that of pupils in high-performing education systems and make recommendations on how to meet the identified objectives;

(iv) develop an implementation plan for the recommendations made pursuant to this subsection (10)(b), which includes an analysis of the costs of the plan; and

(v) publish its recommendations and implementation plan no later than January 30, 2026.

(c) The innovation and excellence in education working group may contract with a reputable national organization to support the working group's efforts under this subsection (10)."

Section 2. Appropriation. There is appropriated $10,000 from the general fund to the legislative services division for funding activities of the school funding interim commission in May and June 2025.

Section 3. Transition. Appointments made for the 2025-2026 school funding interim commission must be made within 15 days of the [effective date of this act].

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

Approved May 12, 2025

CHAPTER NO. 642

[HB 161]

AN ACT ESTABLISHING A VENDING MACHINE ACCOUNT IN THE STATE SPECIAL REVENUE FUND; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Vending machine special revenue account -- purpose -- statutory appropriation. (1) There is a vending machine account in the state special revenue fund to the credit of the department of public health and human services.

(2) The department shall collect a percentage of income from vending machines on federal property and state property that are not operated by a blind vendor and deposit it in the account. The percentage of income to be collected may be established by the department through its authority under 18-5-414.

(3) Money deposited in the account is statutorily appropriated, as provided in 17-7-502, to the department and may be used only for the purposes of this part in a manner consistent with federal law.

Section 2. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222;

17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215*; [section 1]*; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758,

L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 18, chapter 5, part 4, and the provisions of Title 18, chapter 5, part 4, apply to [section 1].

Section 4. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 643

[HB 207]

AN ACT REVISING CANDIDATE FILING LAWS; REQUIRING CANDIDATES FOR LOCAL AND STATE OFFICE TO FILE FOR OFFICE PRIOR TO THE PRIMARY ELECTION; PROHIBITING UNSUCCESSFUL PRIMARY CANDIDATES FROM SEEKING NOMINATION IN THE GENERAL ELECTION; ~~INCREASING~~ *DECREASING* THE SIGNATURE PERCENTAGE REQUIRED FOR A THIRD-PARTY OR INDEPENDENT CANDIDATE PETITION; AMENDING SECTIONS 13-1-403, 13-1-502, 13-10-201, 13-10-211, 13-10-501, 1310-502, AND 13-10-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 13-1-403, MCA, is amended to read:

"**13-1-403. Election deadlines for candidate filing, write-in candidacy, and withdrawal -- election cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in 13-10-201(7) for primary elections and except as provided in subsection (2) for a write-in candidate, the candidate filing deadline for election to a local government office is no sooner than ~~145~~ *105* days and no later than ~~85~~ *90* days before the election.

(2) *(a)* A declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the ~~65th~~ *90th* day before the date of the election.

(b) An unsuccessful candidate for office at a primary election may not seek nomination by write-in vote or petition for the same office at the general election.

(3) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not withdraw after the candidate filing deadline provided in subsection (1).

(4) Except as provided in subsection (5)(b) and unless otherwise specifically provided by law, if the number of candidates filing for election is equal to or less than the number of positions to be filled, the election administrator shall notify the governing body of the local government in writing that the election is not necessary and the governing body may by resolution cancel the election.

(5) (a) If an election has been canceled and there is only one candidate for a position, the governing body of the local government shall declare the candidate elected to the position by acclamation.

(b) If an election has been canceled and there are no regular or declared write-in candidates for a position, the governing body of the local government shall fill the position by appointment. The term of an appointed member must be the same as if the member were elected."

Section 2. Section 13-1-502, MCA, is amended to read:

"**13-1-502. Deadlines for candidate filing, write-in candidacy, and withdrawal -- election cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in 13-10-201(7) for primary elections and except as provided in subsection (3) for a write-in candidate, the candidate filing deadline for election to a special purpose district office is no sooner than ~~145~~ *105* days and no later than ~~85~~ *90* days before the election.

(2) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not withdraw after the candidate filing deadline provided in subsection (1).

(3) *(a)* A declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the ~~65th~~ *90th* day before the date of the election.

(b) An unsuccessful candidate for office at a primary election may not seek nomination by write-in vote or petition for the same office at the general election.

(4) (a) Except as provided in subsection (4)(b), if by the write-in candidate deadline in subsection (3) the number of candidates is equal to or less than the number of positions to be filled at the election, the election administrator shall cancel the election and, pursuant to 13-1-304, immediately notify the governing body of the local government in writing of the cancellation. However, the governing body of the local government may by resolution require that the election be held.

(b) For an election of conservation district supervisors held in conjunction with a federal primary or federal general election, if by the candidate filing deadline under subsection (1) the number of candidates is equal to or less than the number of positions to be filled at the election, the election administrator shall cancel the election and immediately notify the governing body of the conservation district in writing of the cancellation. However, the governing body of the conservation district may, by no later than 10 days after the candidate filing deadline, pass a resolution to require that the election be held.

(5) (a) If an election has been canceled and there is only one candidate for a position, the governing body of the local government or, if appropriate, of the conservation district shall declare the candidate elected to the position by acclamation.

(b) Except as otherwise provided by law:

(i) if an election has been canceled and there are no regular or declared write-in candidates for a position, the governing body of the local government or, if appropriate, of the conservation district shall fill the position by appointment;

(ii) an appointed member shall serve the same term as if the member were elected."

Section 3. Section 13-10-201, MCA, is amended to read:

"**13-10-201. Declaration for nomination -- term limitations.** (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for nomination with the secretary of state or election administrator. Except for a candidate under 13-38-201(4) or a candidate covered under 7-1-205, a candidate may not file for more than one public office. Each candidate for governor shall file a joint declaration for nomination with a candidate for lieutenant governor.

(2) A declaration for nomination must be filed in the office of:

(a) the secretary of state for placement of a name on the ballot for the presidential preference primary, a congressional office, a state or district office to be voted for in more than one county, a member of the legislature, or a judge of the district court; or

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or a judge of the district court) to be voted for in only one county.

(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an indigent candidate, send with it the documents required by 13-10-203. Unless filed electronically with the secretary of state, the declaration for nomination must be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the filing is made.

(4) The declaration for nomination must include an oath of the candidate that includes wording substantially as follows: "I hereby affirm that I possess, or will possess within constitutional and statutory deadlines, the qualifications prescribed by the Montana constitution and the laws of the United States and the state of Montana." The candidate affirmation included in this oath is presumed to be valid unless proven otherwise in a court of law.

(5) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by the elector's party. For a partisan election, an elector may not file a declaration for more than one party's nomination.

(6) (a) The declaration for nomination must be in the form and contain the information prescribed by the secretary of state.

(b) A person seeking nomination to the legislature shall provide the secretary of state with a street address, legal description, or road designation to indicate the person's place of residence. If a candidate for the legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state on a form prescribed by the secretary of state.

(c) The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.

(7) Except as provided in 13-10-211, a candidate's declaration for nomination must be filed no sooner than ~~145~~ *105* days before the election ~~in which the office first appears on the ballot~~ and no later than 5 p.m., ~~85~~ *90* days before the date of the primary election.

(8) A properly completed and signed declaration for nomination form may be sent by facsimile transmission, electronically mailed, delivered in person, or mailed to the election administrator or to the secretary of state.

(9) For the purposes of implementing Article IV, section 8, of the Montana constitution, the secretary of state shall apply the following conditions:

(a) A term of office for an official serving in the office or a candidate seeking the office is considered to begin on January 1 of the term for which the official is elected or for which the candidate seeks election and to end on December 31 of the term for which the official is elected or for which the candidate seeks election.

(b) A year is considered to start on January 1 and to end on the following December 31.

(c) "Current term", as used in Article IV, section 8, of the Montana constitution, has the meaning provided in 2-16-214."

Section 4. Section 13-10-211, MCA, is amended to read:

"**13-10-211. Declaration of intent for write-in candidates.** (1) ~~A~~ *Except as provided in 13-1-403(2)(b), 13-1-502(3)(b), and subsection (2) of this section, a* person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. Except for a candidate under 13-38-201(4) or a candidate covered under 7-1-205, a candidate may not file for more than one public office. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or

with the school district clerk for a school district office. When a county election administrator is conducting the election for a school district, the school district clerk or school district office that receives the declaration of intent shall notify the county election administrator of the filing. Except as provided in 13-1-403, 13-1-503, 20-3-305(3)(b), and subsection ~~(2)~~ *(3)* of this section, the declaration must be filed no later than 5 p.m. on the ~~10th~~ *90th* day before the ~~earliest date established under 13-13-205 on which a ballot must be available~~ *election* and must contain:

(a) the candidate's name, including:

(i) the candidate's first and last names;

(ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

(iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

(b) the candidate's mailing address;

(c) a statement declaring the candidate's intention to be a write-in candidate;

(d) the title of the office sought;

(e) the date of the election;

(f) the date of the declaration; and

(g) the candidate's signature.

(2) An unsuccessful candidate for office at a primary election may not seek nomination by write-in vote or petition for the same office at the general election.

~~(2)~~*(3)* A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office that the write-in candidate is seeking dies or is charged with a felony offense and if the election has not been canceled as provided by law.

~~(3)~~*(4)* The secretary of state shall notify each election administrator of the names of write-in candidates who have filed a declaration of intent with the secretary of state. Each election administrator shall notify the election judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

~~(4)~~*(5)* A properly completed and signed declaration of intent may be provided to the election administrator or secretary of state:

(a) by facsimile transmission;

(b) in person;

(c) by mail; or

(d) by electronic mail.

~~(5)~~*(6)* A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the secretary of state or the election administrator.

~~(6)~~*(7)* A write-in candidate who files a declaration of intent for a general election may not file with a partisan, nonpartisan, or independent designation."

Section 5. Section 13-10-501, MCA, is amended to read:

"**13-10-501. Petition for nomination by independent candidates or political parties not eligible to participate in primary election.** (1) Except as provided in 13-10-504, nominations for public office by an independent candidate or a political party that does not meet the requirements of 13-10-601 may be made by *filing a declaration of intent and paying the filing fee in accordance with 13-10-201 and by circulating* a petition for nomination.

(2) The petition must contain the same information and the oath of the candidate required for a declaration for nomination.

(3) If a petition is filed by a political party, it must contain the party name and, in five words or less, the principle that the body represents.

(4) The form of the petition must be prescribed by the secretary of state, and the secretary of state shall furnish sample copies to the election administrators and on request to any individual.

(5) Each sheet of a petition must contain signatures of electors residing in only one county.

(6) An unsuccessful candidate for office at a primary election may not seek nomination by write-in vote or petition for the same office at the general election."

Section 6. Section 13-10-502, MCA, is amended to read:

"**13-10-502. Signature requirements for petition.** (1) The petition for nomination must be signed by *active* electors *as defined in 13-1-101* residing within the state and district or political subdivision in which the officer or officers are to be elected. Each signature line must contain spaces for the signature, post-office address, and printed last name of the signer.

(2) *(a)* ~~The~~ *For statewide and federal offices, the* number of signatures must be ~~5%~~ *4%* or more of the total vote cast for the successful candidate for the same office at the last general election.

(b) For legislative districts and other races not included in subsection (2)(a), the number of signatures must be 4% or more of the total vote cast for the successful candidate for the same office at the last general election.

(3) If the office sought is a new office or the boundaries of the district or political subdivision in which the election is to be held have changed since the last election for the office, the officer with whom nominations for the office sought are filed shall determine the number of signatures required for a petition of nomination for that office. *The number of signatures may not be less than is required in subsection (2).*"

Section 7. Section 13-10-503, MCA, is amended to read:

"**13-10-503. Filing deadlines.** (1) *(a)* A petition for nomination~~,~~ *and* the affidavits of circulation required by 13-27-302~~, and the required filing fee~~ must be filed with the same officer with whom other nominations for the office sought are filed. Petitions must be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306.

(b) If sufficient signatures are verified and certified pursuant to 13-10-502, the county election administrator shall file the petition for nomination with the same officer with whom other nominations for the office sought are filed.

(c) If the petition for nomination is not certified, the county election administrator shall refund the filing fee paid in accordance with 13-10-201.

(2) Except as provided in 13-10-504, each petition for nomination ~~and the required filing fee~~ must be filed before the scheduled primary election or the filing deadline for the special or general election if a primary election is not scheduled."

Section 8. Effective date. [This act] is effective on passage and approval.

Approved May 12, 2025

CHAPTER NO. 644

[HB 239]

AN ACT REVISING LAWS RELATED TO CONSTRUCTION CONTRACTORS; TRANSFERRING CONSTRUCTION CONTRACTOR REGISTRATION TO

A DEPARTMENT LICENSING PROGRAM; PROVIDING A PURPOSE; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING LICENSING REQUIREMENTS; PROVIDING FOR UNPROFESSIONAL CONDUCT; PROVIDING FOR FEES AND FINES; PROVIDING FOR PENALTIES FOR VIOLATIONS; AMENDING SECTIONS 18-2-413, 18-2-414, 37-1-401, 39-9-101, 39-9-102, 39-9-206, 39-9-207, 39-9-301, 39-9-303, AND 39-71-401, MCA; REPEALING SECTIONS 39-9-201 AND 39-9-204, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Purpose. The purpose of [sections 1 through 8] is to protect the public health, safety, and welfare of the public through the regulation of construction contractors.

Section 2. Definitions. As used in [sections 1 through 8], the following definitions apply:

(1) "Construction contractor" means, except as provided in 39-9-211, a person, firm, or corporation that:

(a) in the pursuit of an independent business, offers to undertake, undertakes, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish for another a building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works, or the installation or repair of roofing or siding; or

(b) in order to do work similar to that described in subsection (1)(a) upon the construction contractor's property, employs members of more than one trade on a single job or under a single building permit, except as otherwise provided.

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

Section 3. Department rulemaking. The department may adopt rules necessary to implement [sections 1 through 8].

Section 4. Construction contractor license required -- application. (1) An individual or business entity may not engage in business as a construction contractor without a current license from the department. The license must include the following information:

(a) the applicant's social security number;

(b) proof of compliance with workers' compensation laws;

(c) the internal revenue service employer identification number, if any; and

(d) the name and address of:

(i) each partner if the applicant is a firm or partnership;

(ii) the owner if the applicant is an individual partnership;

(iii) the corporate officers and registered agent if the applicant is a corporation; or

(iv) the manager of a manager-managed limited liability company or the members of a member-managed limited liability company and the registered agent if the applicant is a limited liability company.

(2) Section 37-1-137 applies to all persons listed in subsection (1)(d) of this section.

Section 5. Licensing -- limiting liability. A person who, pursuant to an oral or written contract, engages a construction contractor who is licensed under [sections 1 through 8] on the date of the contract is not liable as an employer for workers' compensation coverage under 39-71-405, for unemployment insurance coverage, or for wages and fringe benefits for:

(1) the licensed construction contractor;

(2) the employees of the licensed construction contractor; or

(3) a subsequent subcontractor or the employees of a subsequent subcontractor engaged to fulfill a part of or all the obligations of the oral or written contract of the licensed construction contractor listed in subsection (1).

Section 6. Fees -- education fund -- fines. (1) Each applicant for a construction contractor license shall pay an application fee established by the department.

(2) The fees collected under [sections 1 through 8] in accordance with 37-1-134 must be deposited in a special revenue account for administration and enforcement of [sections 1 through 8].

(3) The department shall provide, in cooperation with building industry stakeholders, a program to educate consumers and the building industry about construction contractor licensing requirements.

(4) A fine collected from a construction contractor under 37-1-109 or 37-1-406 must be deposited in the uninsured employers' fund established in 39-71-503.

Section 7. Unprofessional conduct -- rulemaking authority. (1) The following is unprofessional conduct for a construction contractor licensee, a license applicant, or on behalf of the licensee as an individual listed in [section 4(1)(d)]:

(a) fraud, misrepresentation, deception, or concealment of a material fact in:

(i) applying for or assisting in securing a license or license renewal;

(ii) advertising;

(iii) written communications with a client; or

(iv) a contract, written contract negotiations, or in written communications with a person with whom the licensee has a contract;

(b) misappropriating funds from a client;

(c) interference with an investigation into a construction contractor license by the department by:

(i) failure to respond or cooperate with requests from the department;

(ii) willful misrepresentation of facts relevant to the investigation; or

(iii) use of threats or harassment against a client or witness to prevent the client or witness from providing evidence to the department;

(d) hiring or classifying a person as an independent contractor if:

(i) the person does not have an independent contractor exemption certificate if required by 39-71-417;

(ii) the department has suspended, revoked, or denied the person's independent contractor exemption certificate; or

(iii) the person is hired to work in a trade, business, occupation, or profession that is not listed on the independent contractor exemption certificate;

(e) allowing an independent contractor to perform work not in the trade, business, occupation, or profession listed on their independent contractor exemption certificate; or

(f) failing to comply with:

(i) the Workers' Compensation Act, Title 39, chapter 71;

(ii) the Unemployment Insurance Law, Title 39, chapter 51; or

(iii) the wage payment, minimum wage, and overtime payment provisions of Title 39, chapter 3.

(2) (a) Failure to comply with the provisions of this section constitutes unprofessional conduct, and the provisions of 37-1-402 apply. The provisions of 37-1-410 do not apply to a construction contractor license or license applicant under [sections 1 through 8].

(b) The department may adopt additional unprofessional conduct standards by rule.

Section 8. Violation -- infraction -- penalty -- disposition. (1) In addition to the penalties provided in 37-1-406, a determination by the department of unprofessional conduct under [section 7] subjects the person who commits the violation to:

(a) a penalty of up to $5,000, as determined by the department; and

(b) a suspension or debarment of rights to public works contracts.

(2) A penalty collected under this section must be deposited in the uninsured employers' fund established in 39-71-503.

Section 9. Section 18-2-413, MCA, is amended to read:

"**18-2-413. Standard prevailing rate of wages for building construction services.** (1) The department shall conduct an annual survey to calculate the standard prevailing rate of wages for building construction services using the process described in this section.

(2) The standard prevailing wage rates adopted under subsection (1) must be set for the districts established pursuant to 18-2-411.

(3) The department shall survey:

(a) electrical contractors who are licensed under Title 37, chapter 68, who perform commercial work;

(b) plumbers who are licensed under Title 37, chapter 69, whose work is performed according to commercial building codes; and

(c) construction contractors registered under ~~Title 39, chapter 9~~ *[sections 1 through 8]*, whose work is performed according to commercial building codes.

(4) The surveys required under subsection (3) must include those wages, including fringe benefits plus zone pay, per diem, and travel allowances if applicable, that are paid in the applicable district by other contractors for work of a similar character performed in that district by each craft, classification, or type of worker needed to complete a contract under this part.

(5) (a) The contractor survey must include information pertaining to the number of skilled workers employed in the contractor's peak month of employment and the wages and fringe benefits paid for each craft, classification, or type of work.

(b) (i) In setting the prevailing wages from the survey for each craft, classification, or type of work, the department shall use a weighted average wage for each craft, classification, or type of work, except in those cases in which the survey shows that at least 50% of the skilled workers are receiving the same wage.

(ii) If the survey shows that at least 50% of the skilled workers are receiving the same wage, then the higher of the collective bargaining agreement rate or the surveyed rate is the prevailing wage for that craft, classification, or type of work.

(c) (i) In setting the prevailing fringe benefits from the survey for each craft, classification, or type of work, the department shall use a weighted average fringe benefit for each craft, classification, or type of work, except in those cases in which the survey shows that at least 50% of the skilled workers are receiving fringe benefits pursuant to a collective bargaining agreement or pursuant to an employer's fringe benefit fund, plan, or program that meets the requirements of the Employment Retirement Income Security Act of 1974 or that is approved by the U.S. department of labor.

(ii) If the survey shows that at least 50% of the skilled workers are receiving fringe benefits pursuant to a collective bargaining agreement or pursuant to an employer's fringe benefit fund, plan, or program that meets the requirements of the Employment Retirement Income Security Act of 1974 or that is approved

by the U.S. department of labor, the higher of fringe benefits received under collective bargaining agreements and employers' fringe benefit funds, plans, or programs is the prevailing fringe benefit for that craft, classification, or type of work.

(6) The work performed must be work of a similar character to the work performed in the applicable district unless the survey in the applicable district does not generate sufficient data. If the survey produces insufficient data, the rate may be established by the use of other information or methods that the commissioner determines fairly establish the standard prevailing rate of wages.

(7) (a) The commissioner shall establish by rule the methodology for determining the standard prevailing rate of wages. The rules must include an alternate methodology to determine the standard prevailing rate of wages whenever insufficient data is generated by the survey of contractors in the applicable district. The rules must identify the amount of data that constitutes insufficient data.

(b) The commissioner shall use an alternate methodology provided by rule to determine the standard prevailing rate of wages whenever insufficient data exists.

(c) The alternative method of determining the prevailing rate of wages must provide for review and the incorporation of data from work of a similar character, which must be based on a survey that is conducted as closely as possible to the original district.

(8) Whenever work of a similar character is not being performed in the district, the standard prevailing rate of wages, including fringe benefits and the rate of travel allowance, must be those rates established by collective bargaining agreements in effect in the applicable district for each craft, classification, or type of skilled worker needed to complete the contract."

Section 10. Section 18-2-414, MCA, is amended to read:

"**18-2-414. Standard prevailing rate of wages for heavy construction services and for highway construction services -- definition.** (1) The department shall establish the standard prevailing rate of wages for heavy construction services and for highway construction services annually.

(2) In establishing the standard prevailing rate of wages for heavy construction services and for highway construction services, the department may:

(a) conduct a survey of construction contractors registered under ~~Title 39, chapter 9~~ *[sections 1 through 8]*, who perform heavy construction services or highway construction services, electrical contractors licensed under Title 37, chapter 68, who perform commercial work, or plumbers licensed under Title 37, chapter 69, whose work is performed according to commercial building codes;

(b) adopt by reference through rulemaking the rates established by the U.S. department of labor under the federal Davis-Bacon Act, 29 CFR 1, et seq., for projects in Montana; or

(c) use, as provided by rule, a combination of surveyed rates, as provided in subsection (2)(a), and rates adopted by reference, as provided in subsection (2)(b).

(3) For the purposes of this section, the term "standard prevailing rate of wages for heavy construction services and for highway construction services" means wage rates, including fringe benefits plus zone pay, per diem, and travel allowances, if applicable, that are determined and established statewide for heavy construction projects and highway construction projects. The department may define by rule the terms heavy construction projects and highway construction projects. The definitions of heavy construction projects

and highway construction projects must include but are not limited to projects the same as or similar to the construction, alteration, or repair of roads, streets, highways, alleys, runways, airport runways and ramps, dams, powerhouses, canals, channels, pipelines, parking areas, utility rights-of-way, staging yards located on or off the right-of-way, or new or reopened pits that produce aggregate, asphalt, concrete, or backfill when the pit does not normally sell to the general public."

Section 11. Section 37-1-401, MCA, is amended to read:

"**37-1-401. (Temporary) Uniform regulation for licensing programs without boards -- definitions.** As used in this part, the following definitions apply:

(1) "Complaint" means a written allegation filed with the department that, if true, warrants an injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department, with respect to a complaint or other information before the department, that is carried out for the purpose of determining:

(a) whether a person has violated a provision of law justifying discipline against the person;

(b) the status of compliance with a stipulation or order of the department;

(c) whether a license should be granted, denied, or conditionally issued; or

(d) whether the department should seek an injunction.

(4) "License" means permission in the form of a license, permit, endorsement, certificate, recognition, or registration granted by the state of Montana to engage in a business activity or practice at a specific level in a profession or occupation governed by:

(a) Title 37, chapter 2, part 6;

(b) Title 37, chapter 16, 40, 56, 60, 72, ~~or~~ 73*, or [sections 1 through 8]*; or

(c) Title 50, chapter 39, 74, or 76.

(5) "Profession" or "occupation" means a profession or occupation regulated by the department under the provisions of:

(a) Title 37, chapter 2, part 6;

(b) Title 37, chapter 16, 40, 49, 56, 60, 72, ~~or~~ 73*, or [sections 1 through 8]*; or

(c) Title 50, chapter 39, 74, or 76. (Terminates June 30, 2031--sec. 10, Ch. 628, L. 2023.)

37-1-401. (Effective July 1, 2031) Uniform regulation for licensing programs without boards -- definitions. As used in this part, the following definitions apply:

(1) "Complaint" means a written allegation filed with the department that, if true, warrants an injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department, with respect to a complaint or other information before the department, that is carried out for the purpose of determining:

(a) whether a person has violated a provision of law justifying discipline against the person;

(b) the status of compliance with a stipulation or order of the department;

(c) whether a license should be granted, denied, or conditionally issued; or

(d) whether the department should seek an injunction.

(4) "License" means permission in the form of a license, permit, endorsement, certificate, recognition, or registration granted by the state of Montana to engage in a business activity or practice at a specific level in a profession or occupation governed by:

(a) Title 37, chapter 16, 40, 56, 60, 72, ~~or~~ 73*, or [sections 1 through 8]*; or

(b) Title 50, chapter 39, 74, or 76.

(5) "Profession" or "occupation" means a profession or occupation regulated by the department under the provisions of:

(a) Title 37, chapter 16, 40, 49, 56, 60, 72, ~~or~~ 73*, or [sections 1 through 8]*; or

(b) Title 50, chapter 39, 74, or 76."

Section 12. Section 39-9-101, MCA, is amended to read:

"**39-9-101. Purpose.** It is the purpose of this chapter to ensure that all ~~construction contractors and~~ home inspectors are competing fairly and in compliance with state laws."

Section 13. Section 39-9-102, MCA, is amended to read:

"**39-9-102. Definitions.** As used in this chapter, the following definitions apply:

~~(1) "Construction contractor" means a person, firm, or corporation that:~~

~~(a) in the pursuit of an independent business, offers to undertake, undertakes, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish for another a building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works, or the installation or repair of roofing or siding; or~~

~~(b) in order to do work similar to that described in subsection (1)(a) upon the construction contractor's property, employs members of more than one trade on a single job or under a single building permit, except as otherwise provided.~~

~~(2)~~*(1)* "Department" means the department of labor and industry.

~~(3)~~*(2)* (a) "Home inspection" means a physical examination of a residential dwelling to identify major defects in various attributes of or attachments to the dwelling, including mechanical, electrical, and plumbing systems in addition to structural and other essential components. Home inspections are performed for compensation and employ visual observation and the testing of user controls but not mathematical or specialized engineering sciences.

(b) The term does not mean a physical examination of a residential dwelling when the owner or a representative of the owner requests the examination by an individual who is licensed, certified, or registered in this state and who is acting within the scope of practice of the individual's profession or occupation.

~~(4)~~*(3)* "Home inspection report" means a written document prepared by a home inspector for a client and issued to the client in exchange for compensation after a home inspection has been completed. The report must clearly identify and describe:

(a) the inspected systems, structures, and other relevant components of the dwelling;

(b) any major visible defects in the inspected systems, structures, and other relevant components of the dwelling; and

(c) any recommendations for further evaluation of the property by other appropriate persons.

~~(5)~~*(4)* "Home inspector" means a person who performs a home inspection for compensation."

Section 14. Section 39-9-206, MCA, is amended to read:

"**39-9-206. Fees -- education program.** (1) The department shall charge fees to ~~construction contractors and~~ home inspectors for:

(a) issuance, renewal, and reinstatement of certificates of registration; and

(b) change of name, address, or business structure.

(2) The department shall set the fees by administrative rule. The fees must cover the full cost of issuing certificates, filing papers and notices, and administering and enforcing this chapter. The costs include reproduction, travel, per diem, and administrative and legal support costs.

(3) The fees charged in subsection (1)(a) may not exceed~~:~~

~~(a) for a construction contractor:~~

~~(i) $70 for the initial registration certificate; or~~

~~(ii) $70 for the renewal or reinstatement of a registration certificate; or~~

~~(b) for a home inspector,~~ an amount determined in rule for the initial registration certificate or for the renewal or reinstatement of a registration certificate.

(4) The fees collected under this section must be deposited in a state special revenue account to the credit of the department for the administration and enforcement of this chapter and independent contractor certification provided for in Title 39, chapter 71, part 4.

(5) The department shall establish, cooperatively with representatives of ~~the building industry and~~ the home inspection industry, an industry and consumer information program, funded with 15% of the fees, to educate ~~the building industry and~~ home inspectors about the registration requirements and to educate the public regarding the hiring of ~~building construction contractors and~~ home inspectors.

(6) The fee for a joint application for a certificate of registration and an independent contractor exemption certificate may not exceed the total fee charged for a certificate of registration and an independent contractor exemption certificate that are obtained separately. The fee paid for the independent contractor exemption certificate may be used by the department to offset the cost of administering independent contractor certification provided for in Title 39, chapter 71, part 4."

Section 15. Section 39-9-207, MCA, is amended to read:

"**39-9-207. Registration -- limiting liability.** A person who, pursuant to an oral or written contract, engages a ~~construction contractor or a~~ home inspector who is registered under this chapter on the date of the contract is not liable as an employer for workers' compensation coverage under 39-71-405, for unemployment insurance coverage, or for wages and fringe benefits for:

(1) the registered ~~construction contractor or~~ home inspector;

(2) the employees of the registered ~~construction contractor or~~ home inspector; or

(3) any subsequent subcontractor or the employees of any subsequent subcontractor engaged to fulfill a part of or all of the obligations of the oral or written contract of the registered ~~construction contractor or~~ home inspector listed in subsection (1)."

Section 16. Section 39-9-301, MCA, is amended to read:

"**39-9-301. Business practices -- penalty.** (1) ~~Except as provided in 39-9-205, a~~ *A* person who has registered under one name as provided in this chapter may not engage in the business or act in the capacity of ~~a construction contractor or~~ a home inspector under any other name unless that name also is registered under this chapter.

(2) Use of a falsified registration number in connection with a solicitation or identification as ~~a construction contractor or~~ a home inspector is prohibited.

(3) A partner, associate, agent, salesperson, solicitor, officer, or employee of ~~a construction contractor or~~ a home inspector shall use a true name and address at all times while engaged in the business or capacity of ~~a construction~~

~~contractor or~~ a home inspector or in activities related to a ~~construction contractor or a~~ home inspector.

~~(4) A construction contractor may not:~~

~~(a) hire a person as an independent contractor who does not have an independent contractor exemption certificate if required by 39-71-417;~~

~~(b) hire a person as an independent contractor if the department has suspended, revoked, or denied the person's independent contractor's exemption certificate;~~

~~(c) hire an independent contractor to work in a trade, business, occupation, or profession not listed on the independent contractor's registration;~~

~~(d) allow an independent contractor to perform work not in the trade, business, occupation, or profession listed on the independent contractor exemption certificate; or~~

~~(e) classify an employee as an independent contractor if the person does not have an independent contractor exemption certificate required by 39-71-417.~~

~~(5)~~*(4)* (a) The finding of a violation of this section by the department at a hearing held in accordance with the Montana Administrative Procedure Act subjects the person who commits the violation to a penalty of not more than $5,000, as determined by the department. The required hearing may be held by telephone or by videoconference. A penalty collected under this section must be deposited in the state special revenue account to the credit of the department for administration and enforcement of this chapter.

(b) Penalties under this section do not apply to a violation that is determined to be an inadvertent error."

Section 17. Section 39-9-303, MCA, is amended to read:

"**39-9-303. Department to compile and update registration lists -- availability -- fee.** (1) The department shall compile a list of all ~~construction contractors and~~ home inspectors registered under this chapter and update ~~the list of construction contractors at least bimonthly and~~ the list of home inspectors as provided by rule. The list is public information and must be available to the public upon request for a reasonable fee or posted on the department's website.

(2) The department shall inform a person, firm, or corporation whether ~~a construction contractor or~~ a home inspector is registered. The department shall provide the information without charge, except for a reasonable fee for any copies made."

Section 18. Section 39-71-401, MCA, is amended to read:

"**39-71-401. Employments covered and exemptions -- elections -- notice.** (1) Except as provided in subsection (2), the Workers' Compensation Act applies to all employers and to all employees. An employer who has any employee in service under any appointment or contract of hire, expressed or implied, oral or written, shall elect to be bound by the provisions of compensation plan No. 1, 2, or 3 unless the provisions of 39-71-442 apply. Each employee whose employer is bound by the Workers' Compensation Act is subject to and bound by the compensation plan that has been elected by the employer.

(2) Unless the employer elects coverage for these employments under this chapter and an insurer allows an election, the Workers' Compensation Act does not apply to any of the following:

(a) household or domestic employment;

(b) casual employment;

(c) employment of a dependent member of an employer's family for whom an exemption may be claimed by the employer under the federal Internal Revenue Code;

(d) employment of sole proprietors, working members of a partnership, working members of a limited liability partnership, or working members of a member-managed limited liability company, except as provided in subsection (3);

(e) employment of a real estate, securities, or insurance salesperson paid solely by commission and without a guarantee of minimum earnings;

(f) employment as a direct seller as defined by 26 U.S.C. 3508;

(g) employment for which a rule of liability for injury, occupational disease, or death is provided under the laws of the United States;

(h) employment of a person performing services in return for aid or sustenance only, except employment of a volunteer under 67-2-105;

(i) employment with a railroad engaged in interstate commerce, except that railroad construction work is included in and subject to the provisions of this chapter;

(j) employment as an official, including a timer, referee, umpire, or judge, at an amateur athletic event;

(k) employment of a person performing services as a newspaper carrier or freelance correspondent if the person performing the services or a parent or guardian of the person performing the services in the case of a minor has acknowledged in writing that the person performing the services and the services are not covered. As used in this subsection (2)(k):

(i) "freelance correspondent" means a person who submits articles or photographs for publication and is paid by the article or by the photograph; and

(ii) "newspaper carrier":

(A) means a person who provides a newspaper with the service of delivering newspapers singly or in bundles; and

(B) does not include an employee of the paper who, incidentally to the employee's main duties, carries or delivers papers.

(l) cosmetologist's services and barber's services as referred to in 39-51-204(1)(e);

(m) a person who is employed by an enrolled tribal member or an association, business, corporation, or other entity that is at least 51% owned by an enrolled tribal member or members, whose business is conducted solely within the exterior boundaries of an Indian reservation;

(n) employment of a jockey who is performing under a license issued by the board of horseracing from the time that the jockey reports to the scale room prior to a race through the time that the jockey is weighed out after a race if the jockey has acknowledged in writing, as a condition of licensing by the board of horseracing, that the jockey is not covered under the Workers' Compensation Act while performing services as a jockey;

(o) employment of a trainer, assistant trainer, exercise person, or pony person who is performing services under a license issued by the board of horseracing while on the grounds of a licensed race meet;

(p) employment of an employer's spouse for whom an exemption based on marital status may be claimed by the employer under 26 U.S.C. 7703;

(q) a person who performs services as a petroleum land professional. As used in this subsection, a "petroleum land professional" is a person who:

(i) is engaged primarily in negotiating for the acquisition or divestiture of mineral rights or in negotiating a business agreement for the exploration or development of minerals;

(ii) is paid for services that are directly related to the completion of a contracted specific task rather than on an hourly wage basis; and

(iii) performs all services as an independent contractor pursuant to a written contract.

(r) an officer of a quasi-public or a private corporation or, except as provided in subsection (3), a manager of a manager-managed limited liability company who qualifies under one or more of the following provisions:

(i) the officer or manager is not engaged in the ordinary duties of a worker for the corporation or the limited liability company and does not receive any pay from the corporation or the limited liability company for performance of the duties;

(ii) the officer or manager is engaged primarily in household employment for the corporation or the limited liability company;

(iii) the officer or manager either:

(A) owns 10% or more of the number of shares of stock in the corporation or owns 10% or more of the limited liability company; or

(B) owns less than 10% of the number of shares of stock in the corporation or limited liability company if the officer's or manager's shares when aggregated with the shares owned by a person or persons listed in subsection (2)(r)(iv) total 10% or more of the number of shares in the corporation or limited liability company; or

(iv) the officer or manager is the spouse, child, adopted child, stepchild, mother, father, son-in-law, daughter-in-law, nephew, niece, brother, or sister of a corporate officer who meets the requirements of subsection (2)(r)(iii)(A) or (2)(r)(iii)(B);

(s) a person who is an officer or a manager of a ditch company as defined in 27-1-731;

(t) service performed by an ordained, commissioned, or licensed minister of a church in the exercise of the church's ministry or by a member of a religious order in the exercise of duties required by the order;

(u) service performed to provide companionship services, as defined in 29 CFR 552.6, or respite care for individuals who, because of age or infirmity, are unable to care for themselves when the person providing the service is employed directly by a family member or an individual who is a legal guardian;

(v) employment of a person performing the services of an intrastate or interstate common or contract motor carrier when hired by an individual or entity who meets the definition of a broker or freight forwarder, as provided in 49 U.S.C. 13102;

(w) employment of a person who is not an employee or worker in this state as defined in 39-71-118(8);

(x) employment of a person who is working under an independent contractor exemption certificate;

(y) employment of an athlete by or on a team or sports club engaged in a contact sport. As used in this subsection, "contact sport" means a sport that includes significant physical contact between the athletes involved. Contact sports include but are not limited to football, hockey, roller derby, rugby, lacrosse, wrestling, and boxing.

(z) a musician performing under a written contract.

(3) (a) (i) A person who regularly and customarily performs services at locations other than the person's own fixed business location shall elect to be bound personally and individually by the provisions of compensation plan No. 1, 2, or 3 unless the person has waived the rights and benefits of the Workers' Compensation Act by obtaining an independent contractor exemption certificate from the department pursuant to 39-71-417.

(ii) Application fees or renewal fees for independent contractor exemption certificates must be deposited in the state special revenue account established in ~~39-9-206~~ *39-71-417* and must be used to offset the certification administration costs.

(b) A person who holds an independent contractor exemption certificate may purchase a workers' compensation insurance policy and with the insurer's permission elect coverage for the certificate holder.

(c) For the purposes of this subsection (3), "person" means:

(i) a sole proprietor;

(ii) a working member of a partnership;

(iii) a working member of a limited liability partnership;

(iv) a working member of a member-managed limited liability company; or

(v) a manager of a manager-managed limited liability company that is engaged in the work of the construction industry as defined in 39-71-116.

(4) (a) A corporation or a manager-managed limited liability company shall provide coverage for its employees under the provisions of compensation plan No. 1, 2, or 3. A quasi-public corporation, a private corporation, or a manager-managed limited liability company may elect coverage for its corporate officers or managers, who are otherwise exempt under subsection (2), by giving a written notice in the following manner:

(i) if the employer has elected to be bound by the provisions of compensation plan No. 1, by delivering the notice to the board of directors of the corporation or to the management organization of the manager-managed limited liability company; or

(ii) if the employer has elected to be bound by the provisions of compensation plan No. 2 or 3, by delivering the notice to the board of directors of the corporation or to the management organization of the manager-managed limited liability company and to the insurer.

(b) If the employer changes plans or insurers, the employer's previous election is not effective and the employer shall again serve notice to its insurer and to its board of directors or the management organization of the manager-managed limited liability company if the employer elects to be bound.

(5) The appointment or election of an employee as an officer of a corporation, a partner in a partnership, a partner in a limited liability partnership, or a member in or a manager of a limited liability company for the purpose of exempting the employee from coverage under this chapter does not entitle the officer, partner, member, or manager to exemption from coverage.

(6) Each employer shall post a sign in the workplace at the locations where notices to employees are normally posted, informing employees about the employer's current provision of workers' compensation insurance. A workplace is any location where an employee performs any work-related act in the course of employment, regardless of whether the location is temporary or permanent, and includes the place of business or property of a third person while the employer has access to or control over the place of business or property for the purpose of carrying on the employer's usual trade, business, or occupation. The sign must be provided by the department, distributed through insurers or directly by the department, and posted by employers in accordance with rules adopted by the department. An employer who purposely or knowingly fails to post a sign as provided in this subsection is subject to a $50 fine for each citation."

Section 19. Repealer. The following sections of the Montana Code Annotated are repealed:

39-9-201. Registration required -- application.

39-9-204. Certificate of registration -- issuance -- duration.

Section 20. Directions to code commissioner. Sections 39-9-205, 39-9-211, and 39-9-304 are intended to be renumbered and codified in a new chapter of Title 37 with [sections 1 through 8].

Section 21. Codification instruction. [Sections 1 through 8] are intended to be codified as a new chapter in Title 37, and the provisions of Title 37 apply to [sections 1 through 8].

Section 22. Effective date. [This act] is effective January 1, 2026.

Approved May 12, 2025

CHAPTER NO. 645

[HB 281]

AN ACT REVISING LAWS TO PROVIDE STATUTORY APPROPRIATION OF REINSURANCE ASSOCIATION MEMBER ASSESSMENTS; AMENDING SECTIONS 17-7-502 AND 33-22-1321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; *33-22-1321;* 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing,

redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 2. Section 33-22-1321, MCA, is amended to read:

"**33-22-1321. State and federal special revenue accounts -- reinsurance program.** (1) (a) There is a reinsurance program account in the state special revenue fund established by 17-2-102. The account must be administered by the commissioner for the benefit of the program. *The money in the reinsurance program account is statutorily appropriated, as provided in 17-7-502, to the commissioner for the purposes provided in subsection (1)(c) of this section.*

(b) There must be deposited in the account:

(i) all assessments collected under 33-22-1313;

(ii) any interest and income earned on the account; and

(iii) any other money from any other source accepted for the benefit of the account.

(c) The account may be used only to provide funding for the administration, operation, and claims expenses incurred by the program created in 33-22-1302.

(2) There is an account in the federal special revenue fund to the credit of the board and administered by the commissioner for the benefit of the program. There must be deposited in the account:

(a) federal funding allocated as a result of a section 1332 waiver application;

(b) any federal or grant funding; and

(c) any interest and income earned on the account."

Section 3. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved and if [this act] contains a statutory appropriation for 33-22-1321, then the appropriations to the commissioner to be used for Montana reinsurance association member assessments in House Bill No. 2 are void.

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

Section 5. Termination. [This act] terminates June 30, 2031.

Approved May 12, 2025

CHAPTER NO. 646

[HB 284]

AN ACT CREATING A MONTANA UNIVERSITY INVESTIGATION COMMITTEE; PROVIDING DUTIES AND MEMBERS; PROVIDING AN APPROPRIATION; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Montana university system investigation committee -- membership -- meetings. (1) (a) There is a committee to investigate civil rights violations and acts of censorship committed by the Montana university system. The committee shall gather testimony on the record from Montana students on any civil rights violations or acts of censorship that the students have experienced or witnessed at Montana public universities and colleges and make findings and recommendations for state and federal officials.

(b) The committee shall report in physical and electronic copy all findings and recommendations to the president of the United States, the United States department of justice, the United States department of education, the leadership of both houses of the United States congress, all members of the Montana congressional delegation, the governor of Montana, the Montana department of justice, the office of public instruction, the speaker of the Montana house of representatives, and the president of the Montana senate.

(2) The committee consists of eight legislators appointed as follows:

(a) four members of the house of representatives appointed by the speaker of the house, two of whom must be members of the minority party and be appointed after consultation with the minority leader; and

(b) four members of the senate appointed by the committee on committees, two of whom must be members of the minority party.

(3) The appointments must be made within 30 days of [the effective date of this act]. A vacancy on the committee must be filled in the same manner as the original appointment.

(4) The committee shall elect a presiding officer and a vice presiding officer.

(5) A committee member is entitled to salary and expenses as provided in 5-2-302.

(6) The committee may not meet more than three times and shall complete its work by September 15, 2026.

(7) The legislative services division shall provide staff assistance to the committee.

Section 2. Appropriation. There is appropriated $23,000 from the general fund to the legislative services division for the biennium ending June 30, 2027, for the purpose of reimbursing committee members as provided in [section 1].

Section 3. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.

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

Section 4. Effective date. [This act] is effective July 1, 2025.

Section 5. Termination. [This act] terminates December 31, 2026.

Approved May 12, 2025

CHAPTER NO. 647

[HB 343]

AN ACT REVISING EDUCATION LAWS RELATED TO RELIGIOUS INSTRUCTION RELEASED TIME; REQUIRING SCHOOL DISTRICT TRUSTEES TO PROVIDE A RELIGIOUS INSTRUCTION RELEASED TIME PROGRAM; PROVIDING THAT THE PROGRAM MUST ALLOW A STUDENT AT LEAST 1 HOUR OF RELIGIOUS INSTRUCTION RELEASED TIME A WEEK; AUTHORIZING THAT SCHOOL DISTRICT TRUSTEES MAY ADOPT A POLICY AWARDING CREDIT FOR A RELIGIOUS INSTRUCTION RELEASED TIME COURSE AND PROVIDING REQUIREMENTS FOR THAT POLICY; AMENDING SECTION 20-1-308, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 20-1-308, MCA, is amended to read:

"**20-1-308. Religious instruction released time program — *academic credit.*** (1) The trustees of a school district ~~may~~ *shall* provide for a religious instruction released time program under which a pupil ~~may~~ *must* be released from regular school attendance for the purpose of receiving religious instruction upon written request, renewed at least annually, of the pupil's parent or guardian. The trustees shall determine the amount of time*, not less than 1 hour a week,* for which a pupil may be released for religious instruction.

(2) A religious instruction released time program may not be established or administered in such a way that public school property is utilized for the purpose of religious instruction.

(3) Public money may not be used, directly or indirectly, for the religious instruction.

(4) Any period for which a pupil is released under a religious instruction released time program is part of the school day and week for purposes of 20-1-301, 20-1-302, 20-5-103, 20-9-311, and all other provisions of Title 20, and the release may not adversely affect the pupil's *enrollment status or* attendance record *or the calculation of the school district's ANB or other funding*.

(5) The trustees of a school district may adopt a policy that awards academic credit for the completion of a religious instruction released time course and recognizes the credits of an independently accredited provider of released time courses.

(6) If a school district awards academic credit for a religious instruction released time course, the school district shall evaluate the course based on secular criteria that are substantially the same criteria used to evaluate similar courses to determine how much credit to award. The decision to award credit for a released time course must be neutral to, and may not involve any test for, religious content or denominational affiliation.

(7) For the purposes of this section, secular criteria may include but are not limited to the following:

(a) the number of hours of classroom instruction time;

(b) a review of the course syllabus that reflects course requirements and materials used;

(c) the methods of assessment used in the course; and

(d) the qualifications of the course instructor."

Section 2. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 648

[HB 348]

AN ACT REVISING THE SPECIAL SESSION LEGISLATIVE POLLING LAWS; INCREASING THE NUMBER OF LEGISLATORS REQUIRED TO TRIGGER A SPECIAL SESSION POLL; REQUIRING THAT THE REQUEST FOR A SPECIAL SESSION INCLUDE DRAFT LEGISLATION TO BE PROPOSED DURING THE SPECIAL SESSION; AMENDING SECTIONS 5-3-105 AND 5-3-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 5-3-105, MCA, is amended to read:

"**5-3-105. Request by ~~10~~ *30* members to poll legislators.** (1) When the legislature is not in session, any ~~10~~ *30* members may in writing request the secretary of state to poll the legislators to determine if a majority are in favor of a special session.

(2) The request must ~~state~~ *include*:

(a) the conditions warranting the call of a special session;

(b) the purposes of the special session; ~~and~~

(c) draft legislation to be proposed during the special session drafted by the legislative services division as provided in subsection (3); and

~~(c)~~*(d)* the proposed convening date and time of the special session.

(3) A legislator may request the legislative services division staff to draft legislation to be proposed during the special session."

Section 2. Section 5-3-106, MCA, is amended to read:

"**5-3-106. Procedure for polling legislators.** (1) Within 5 days after receiving a request, the secretary of state shall send to all legislators by certified mail a ballot that contains:

(a) the names of the legislators making the request;

(b) the reasons for calling the special session;

(c) the purposes of the special session;

(d) draft legislation to be proposed during the special session drafted by the legislative services division as provided in 5-3-105;

~~(d)~~*(e)* the requested convening date and time of the special session;

~~(e)~~*(f)* subject to subsection (2), the date by which legislators shall return the ballot, which may not be more than 30 days after the date of the mailing of the ballots; and

~~(f)~~*(g)* a stamped return envelope.

(2) Within 2 calendar days after receiving a request to consider an existing state of emergency or disaster declared under the authority of 10-3-303, the secretary of state shall send a ballot that complies with subsection (1) using any reasonable and reliable means, including electronic delivery, and is not required to use certified mail. The date by which legislators shall return the ballot specified in this subsection (2) may not be more than 7 calendar days after the date the ballots were sent."

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

Approved May 15, 2025

CHAPTER NO. 649

[HB 356]

AN ACT EXPANDING THE LIVESTOCK LOSS REDUCTION AND MITIGATION PROGRAMS TO INCLUDE BLACK BEARS; AMENDING SECTIONS 2-15-3110, 2-15-3111, 2-15-3112, 2-15-3113, 81-1-110, AND 87-1-217, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 2-15-3110, MCA, is amended to read:

"**2-15-3110. Livestock loss board -- purpose, membership, and qualifications.** (1) There is a livestock loss board. The purpose of the board is to administer the programs called for in the Montana gray wolf conservation and management plan, the Montana mountain lion management plan, *the Montana black bear management plan,* and the Montana grizzly bear management plan and established in 2-15-3111 through 2-15-3113, with funds provided through the accounts established in 81-1-110, in order to minimize losses caused by wolves, mountain lions, *black bears,* and grizzly bears to livestock producers and to reimburse livestock producers for livestock losses from wolf, mountain lion, *black bear,* and grizzly bear predation.

(2) The board consists of five members, appointed by the governor, as follows:

(a) three members who are actively involved in the livestock industry and who have knowledge and experience with regard to wildlife impacts or management; and

(b) two members of the general public who are or have been actively involved in wildlife conservation or wildlife management and who have knowledge and experience with regard to livestock production or management.

(3) The board is designated as a quasi-judicial board for the purposes of 2-15-124. Notwithstanding the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the board.

(4) The board is allocated to the department of livestock for administrative purposes only as provided in 2-15-121.

(5) The board shall adopt rules to implement the provisions of 2-15-3110 through 2-15-3114 and 81-1-110 through 81-1-113.

(6) The board shall prioritize grants for prevention of wolf and grizzly bear predation over those for mountain lion *or black bear* predation."

Section 2. Section 2-15-3111, MCA, is amended to read:

"**2-15-3111. Livestock loss reduction program.** The livestock loss board shall establish and administer a program to cost-share with individuals or incorporated entities in implementing measures to prevent wolf, mountain lion, *black bear,* and grizzly bear predation on livestock, including:

(1) eligibility requirements for program participation;

(2) application procedures for program participation and procedures for awarding grants for wolf, mountain lion, *black bear,* and grizzly bear predation prevention measures, subject to grant priorities and the availability of funds;

(3) criteria for the selection of projects and program participants, which may include establishment of grant priorities based on factors such as chronic depredation, multiple depredation incidents, single depredation incidents, and potential high-risk geographical or habitat location;

(4) grant guidelines for prevention measures on public and private lands, including:

(a) grant terms that clearly set out the obligations of the livestock producer and that provide for a term of up to 12 months subject to renewal based on availability of funds, satisfaction of program requirements, and prioritization of the project;

(b) cost-share for prevention measures, which may be a combination of grant and livestock producer responsibility, payable in cash or in appropriate services, such as labor to install or implement preventive measures, unless the board adjusts the cost-share because of extenuating circumstances related to chronic or multiple depredation; and

(c) proactive preventive measures and other preventive measures as information on new or different successful prevention measures becomes available; and

(5) reporting requirements for program participants to assist in determining the effectiveness of loss reduction relative to each grant."

Section 3. Section 2-15-3112, MCA, is amended to read:

"**2-15-3112. Livestock loss mitigation program -- definitions.** The livestock loss board shall establish and administer a program to reimburse livestock producers for livestock losses caused by wolves, mountain lions, *black bears,* and grizzly bears, subject to the following provisions:

(1) The board shall establish eligibility requirements for reimbursement, which must provide that all Montana livestock producers are eligible for coverage for losses by wolves, mountain lions, *black bears,* and grizzly bears to cattle, swine, horses, mules, sheep, goats, llamas, and livestock guard dogs on state, federal, tribal, and private land.

(2) (a) Except as provided in subsection (2)(b), the board may reimburse confirmed and probable livestock losses at an amount not to exceed the fair market value of the livestock.

(b) The board may reimburse confirmed and probable livestock losses by paying a multiplier of the fair market value of the livestock based on a board-determined region.

(c) Before the board may issue a reimbursement for losses to a livestock producer eligible for coverage for losses, the department of revenue shall certify that the livestock producer has paid per capita fees as required by 15-24-921. Except for a tribal member or tribal entity participating in an authorized agreement pursuant to 2-15-3113, a livestock producer may not receive a reimbursement for losses until the producer has paid any delinquent per capita fees.

(3) Other losses may be reimbursed at rates determined by the board.

(4) A claim process must be established to be used when a livestock producer suffers a livestock loss for which wolves, mountain lions, *black bears,* or grizzly bears may be responsible. The claim process must set out a clear and concise method for documenting and processing claims for reimbursement for livestock losses.

(5) Names, addresses, and other personally identifiable information of claimants must remain confidential and may not be released.

(6) (a) A process must be established to allow livestock producers to appeal reimbursement decisions. A producer may appeal a staff adjuster's decision by notifying the staff adjuster and the board in writing, stating the reasons for the appeal and providing documentation supporting the appeal. If the documentation is incomplete, the board or a producer may consult with the U.S. department of agriculture wildlife services to complete the documentation.

(b) The board may not accept any appeal on the question of whether the loss was or was not a confirmed or probable loss because that final determination lies solely with the U.S. department of agriculture wildlife services and may not be changed by the board.

(c) The board shall hold a hearing on an appeal within 90 days of receipt of the written appeal, allowing the staff adjuster and the producer to present their positions. A decision must be rendered by the board within 30 days after the hearing. The producer must be notified in writing of the board's decision.

(7) As used in this section, the following definitions apply:

(a) "Confirmed" means reasonable physical evidence that livestock was actually attacked or killed by a wolf, mountain lion, *black bear,* or grizzly bear, including but not limited to the presence of bite marks indicative of the spacing of tooth punctures of wolves, mountain lions, *black bear,* or grizzly bears and associated subcutaneous hemorrhaging and tissue damage indicating that the attack occurred while the animal was alive, feeding patterns on the carcass, fresh tracks, scat, hair rubbed off on fences or brush, eyewitness accounts, or other physical evidence that allows a reasonable inference of wolf, mountain lion, *black bear,* or grizzly bear predation on an animal that has been largely consumed.

(b) "Fair market value" means:

(i) for commercial sheep more than 1 year old, the average price of sheep of similar age and sex paid at the most recent Billings livestock sale ring or other ring as determined by the board;

(ii) for commercial lambs, the average market weaning value;

(iii) for registered sheep, twice the average value of commercial sheep of the same age and sex;

(iv) for commercial cattle more than 1 year old, the average price of cattle of similar age and sex paid at the most recent Billings livestock sale ring or other ring as determined by the board;

(v) for commercial calves, the average market weaning value;

(vi) for registered cattle, twice the average value of commercial cattle of the same age and sex;

(vii) for other registered livestock, twice the average value of commercial-grade animals of the same breed, age, and sex; or

(viii) for other livestock, the average price paid at the most recent public auction for the type of animal lost or the replacement price as determined by the board.

(c) "Probable" means the presence of some evidence to suggest possible predation but a lack of sufficient evidence to clearly confirm predation by a particular species. A kill may be classified as probable depending on factors including but not limited to recent confirmed predation by the suspected

depredating species in the same or a nearby area, recent observation of the livestock by the owner or the owner's employees, and telemetry monitoring data, sightings, howling, or fresh tracks suggesting that the suspected depredating species may have been in the area when the depredation occurred."

Section 4. Section 2-15-3113, MCA, is amended to read:

"**2-15-3113. Additional powers and duties of livestock loss board.** (1) The livestock loss board shall:

(a) process claims;

(b) seek information necessary to ensure that claim documentation is complete;

(c) provide payments authorized by the board for confirmed and probable livestock losses, along with a written explanation of payment;

(d) submit monthly and annual reports to the board of livestock summarizing claims and expenditures and the results of action taken on claims and maintain files of all claims received, including supporting documentation;

(e) provide information to the board of livestock regarding appealed claims and implement any decision by the board;

(f) prepare the annual budget for the board; and

(g) provide proper documentation of staff time and expenditures.

(2) The livestock loss board may enter into an agreement with any Montana tribe, if the tribe has adopted a wolf, mountain lion, *black bear,* or grizzly bear management plan for reservation lands that is consistent with the state wolf, mountain lion, *black bear,* or grizzly bear management plan, to provide that tribal lands within reservation boundaries are eligible for livestock loss reduction program grants pursuant to 2-15-3111.

(3) The livestock loss board shall:

(a) coordinate and share information with state, federal, and tribal officials, livestock producers, nongovernmental organizations, and the general public in an effort to reduce livestock losses caused by wolves, mountain lions, *black bears,* and grizzly bears;

(b) establish an annual budget for the prevention, mitigation, and reimbursement of livestock losses caused by wolves, mountain lions, *black bears,* and grizzly bears;

(c) perform or contract for the performance of periodic program audits and reviews of program expenditures, including payments to individuals, incorporated entities, and producers who receive loss reduction grants and reimbursement payments;

(d) adjudicate appeals of claims;

(e) investigate alternative or enhanced funding sources, including possible agreements with public entities and private wildlife or livestock organizations that have active livestock loss reimbursement programs in place;

(f) meet as necessary to conduct business; and

(g) report annually to the governor, the legislature in accordance with 5-11-210, members of the Montana congressional delegation, the board of livestock, the fish and wildlife commission, and the public regarding results of the programs established in 2-15-3111 through 2-15-3113.

(4) The livestock loss board may sell or auction any carcasses or parts of carcasses from wolves, ~~or~~ mountain lions, *or black bears* received pursuant to 87-1-217. The proceeds, minus the costs of the sale including the preparation of the carcass or part of the carcass for sale, must be deposited into the livestock loss reduction and mitigation special revenue account established in 81-1-110 and used for the purposes of 2-15-3111 through 2-15-3114."

Section 5. Section 81-1-110, MCA, is amended to read:

"**81-1-110. Livestock loss reduction and mitigation accounts.** (1) There are livestock loss reduction and mitigation special revenue accounts administered by the department within the state special revenue fund and the federal special revenue fund established in 17-2-102.

(2) (a) All state proceeds allocated or budgeted for the purposes of 2-15-3110 through 2-15-3114, 81-1-110, and 81-1-111, except those transferred to the account provided for in 81-1-112 or 81-1-113 or appropriated to the department of livestock, must be deposited in the state special revenue account provided for in subsection (1) of this section.

(b) Money received by the state in the form of gifts, grants, reimbursements, or allocations from any source intended to be used for the purposes of 2-15-3111 through 2-15-3113 must be deposited in the appropriate account provided for in subsection (1) of this section.

(c) All federal funds awarded to the state for compensation for wolf, mountain lion, *black bear,* or grizzly bear depredations on livestock must be deposited in the federal special revenue account provided for in subsection (1) for the purposes of 2-15-3112.

(3) The livestock loss board may spend funds in the accounts only to carry out the provisions of 2-15-3111 through 2-15-3113."

Section 6. Section 87-1-217, MCA, is amended to read:

"**87-1-217. Policy for management of large predators -- legislative intent.** (1) In managing large predators, the primary goals of the department, in the order of listed priority, are to:

(a) protect humans, livestock, and pets;

(b) preserve and enhance the safety of the public during outdoor recreational and livelihood activities; and

(c) preserve citizens' opportunities to hunt large game species.

(2) With regard to large predators, it is the intent of the legislature that the specific provisions of this section concerning the management of large predators will control the general supervisory authority of the department regarding the management of all wildlife.

(3) For the management of wolves in accordance with the priorities established in subsection (1), the department may use lethal action to take problem wolves that attack livestock if the state objective for breeding pairs has been met. For the purposes of this subsection, "problem wolves" means any individual wolf or pack of wolves with a history of livestock predation.

(4) The department shall work with the livestock loss board and the United States department of agriculture wildlife services to establish the conditions under which carcasses or parts of carcasses from wolves, ~~or~~ mountain lions, *or black bears* are retrieved during management activities and when those carcasses or parts of carcasses are made available to the livestock loss board for sale or auction pursuant to 2-15-3113.

(5) The department shall ensure that county commissioners and tribal governments in areas that have identifiable populations of large predators have the opportunity for consultation and coordination with state and federal agencies prior to state and federal policy decisions involving large predators and large game species.

(6) As used in this section:

(a) "consultation" means to actively provide information to a county or tribal government regarding proposed policy decisions on matters that may have a harmful effect on agricultural production or livestock operations or that may pose a risk to human health or safety in that county or on those tribal lands and to seek information and advice from counties or tribal governments on these matters;

(b) "large game species" means deer, elk, mountain sheep, moose, antelope, and mountain goats; and

(c) "large predators" means bears, mountain lions, and wolves."

Section 7. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 8. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 650

[HB 392]

AN ACT ESTABLISHING THE CHILD DIGITAL PROTECTION ACT; GENERALLY REVISING LAWS RELATED TO THE CREATION OF PROFITABLE FAMILY VIDEO CONTENT FEATURING MINOR CHILDREN; PROVIDING FOR TRUST CONTRIBUTIONS OF PROFITS MADE FROM VIDEO CONTENT FEATURING MINOR CHILDREN; PROVIDING A RIGHT TO REQUEST REMOVAL OF CONTENT; PROVIDING A PRIVATE RIGHT OF ACTION; AND PROVIDING DEFINITIONS.

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

Section 1. Short title. [Sections 1 through 7] may be cited as the "Child Digital Protection Act".

Section 2. Legislative findings and purpose. (1) The legislature finds that social media influencers can make significant amounts of money from digital content. Some influencers use the influencers' minor children as subjects of the content. The children featured in family-produced video content generate interest in and revenue for the content but receive no financial compensation for participation. Unlike in child acting, the children are not playing a part and lack legal protections in the state.

(2) The legislature further finds that social media influencers who market video content of the influencers' families, or "content creators", can profit from the personal property rights of the influencers' children without restriction. Some children are filmed from birth, with highly personal details of the children's lives shared on the internet for compensation. In addition to severe loss of privacy, the children receive no consideration for the use and exchange of the children's personal property rights.

(3) The purpose of [sections 1 through 7] is to allow minors to receive proportional compensation for the use of specified personal property rights in which the minor's parent or parents have reached a specified profit threshold from the use. Further, the purpose of [sections 1 through 7] is to provide for minors to exercise control over specified personal property rights on reaching the age of majority.

Section 3. Definitions. As used in [sections 1 through 7], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Age of majority" means 18 years of age.

(2) "Content creation" means content shared on an online platform that generates compensation.

(3) "Content creator" means a person or persons 18 years of age or older, including family members, who creates content performed in the state that generates compensation and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a

particular individual or individuals or family members for the purposes of that content creator.

(4) "Likeness" means an image, painting, sketch, model, diagram, or other clear representation, other than a photograph, of an individual's face, body, or part of the individual's face or body, or the distinctive appearance, gestures, or mannerisms of an individual.

(5) "Minor" means a person under 18 years of age whose principal place of residence is in the state.

(6) "Name" means the actual or assumed name or nickname of a living or deceased individual that is intended to identify that individual.

(7) "Online platform" means a public-facing website, web application, or digital application, including a mobile application. The term includes a social network, advertising network, mobile operating system, search engine, e-mail service, monetization platform to sell digital services, streaming service and paid subscription.

(8) "Photograph" means a photograph or photographic reproduction, still or moving, or a videotape or online or live television transmission of an individual, so that the individual is readily identifiable.

(9) "Video segment" means a self-contained moving visual image that is recorded in an electronic medium.

Section 4. Trust contribution for profitable video content involving minor child. (1) A content creator meeting the criteria under subsection (2) shall compensate, under subsection (3), the content creator's minor child whose likeness, name, or photograph constitutes the video content meeting the criteria in subsection (2)(a).

(2) This section applies to a content creator meeting the following criteria at any time within the previous 12-month period:

(a) (i) the number of views received for each video segment on an online platform or network meet the platform or network's threshold for generation of compensation; or

(ii) the content creator receives actual compensation for the video content equal to or greater than $0.10 a view; and

(b) at least 30% of the content creator's compensated video content produced within a 30-day period includes the likeness, name, or photograph of the content creator's minor child.

(3) A content creator meeting the criteria in subsection (2) shall set aside a percentage, calculated under subsection (4), of the gross earnings on the video content including the likeness, name, or photograph of the content creator's minor child in a trust to be preserved for the benefit of the minor on reaching the age of majority according to the following distribution:

(a) if only one minor child meets the content threshold described in subsection (2)(b), the percentage required under subsection (4) of total gross earnings on a video segment including the likeness, name, or photograph of the content creator's minor child that is equal to or greater than the content percentage that includes the minor child as described in subsection (2)(b); or

(b) if more than one minor child meets the content threshold described in subsection (2)(b) and a video segment includes more than one of those children, the additive percentage required under subsection (4) for all minor children in a video segment must be equally divided between the children, regardless of differences in percentage of content featuring the individual children.

(4) (a) For video segments that include the likeness, name, or photograph of the minor that is equal to or greater than 30% but less than 50% of the compensated video content, the trust contribution under subsection (3) must be equal to 10% of the gross earnings.

(b) For video segments that include the likeness, name, or photograph of the minor that is equal to or greater than 50% but less than 75% of the compensated video content, the trust contribution under subsection (3) must be equal to 25% of the gross earnings.

(c) For video segments that include the likeness, name, or photograph of a minor that is equal to or greater than 75% of the compensated video content, the trust contribution under subsection (3) must be equal to 50% of the gross earnings.

(5) Content percentage is measured by the percentage of time the likeness, name, or photograph of the content creator's minor child visually appears or is the subject of an oral narrative in a video segment, as compared to the total length of the video segment.

Section 5. Right to be forgotten -- requests to remove content involving minor child after reaching age of majority. (1) On reaching the age of majority, an individual previously covered under [section 4] may request the permanent deletion of a video segment that includes the likeness, name, or photograph of the individual from an online platform or network that provided compensation to the individual's parent or parents in exchange for the video content.

(2) An online platform or network shall take all reasonable steps to permanently delete the video segment for which a request under subsection (1) is made.

(3) A contract with an online platform or network for the exchange or use of video content that would reasonably be anticipated to include greater than a nominal use of a content creator's minor child must include notification to the online platform or network of the minor child's future rights as provided in this section.

Section 6. Private right of action -- remedies. (1) An individual harmed by a violation of [sections 4 and 5] may maintain a cause of action for the following remedies:

(a) injunctive relief;

(b) damages in an amount that is the greater of:

(i) $1,500; or

(ii) actual damages sustained to the individual as a result of the violation; and

(c) recovery for any profits that are attributable to the violation not included in the calculation of actual damages under subsection (2)(b).

(2) To prove profits under this section, an individual shall submit proof of gross revenues attributable to the violation and the violating party shall prove the party's deductible expenses.

(3) An individual shall bring a cause of action under this section within 7 years of the discovery of the violation or before the individual reaches 26 years of age, whichever is later.

Section 7. Duty to maintain and provide information -- injunctive relief. (1) A content creator whose content meets the criteria under [section 4(2)] shall maintain the following records annually and shall provide the records to the minor on request:

(a) the name and documentary proof of the age of the minor engaged in the work of content creation;

(b) the number of video segments that generated compensation as described in [section 4(2)];

(c) the total number of minutes of the video segments for which the content creator received compensation;

(d) the total number of minutes each minor was featured in video segments;

(e) the total compensation generated from video segments featuring the minor; and

(f) the amount deposited in the trust fund established under the requirements of [section 4(3)] for the benefit of the minor.

(2) The records provided for in subsection (1) must be retained and maintained by a content creator until the minor reaches the age of majority, at which time the content creator shall provide the records to the individual previously covered by [section 4].

(3) If a content creator whose video segment meets the criteria under [section 4(2)] fails to maintain the records as provided in subsection (1), the minor may maintain a civil action under [section 6].

Section 8. Codification instruction. [Sections 1 through 7] are intended to be codified as a new part in a new chapter in Title 30, and the provisions of Title 30 apply to [sections 1 through 7].

Approved May 12, 2025

CHAPTER NO. 651

[HB 396]

AN ACT GENERALLY REVISING LAWS RELATING TO BAIL; PROVIDING THAT A PERSON MAY NOT BE ADMITTED TO BAIL WITHOUT FIRST BEING TAKEN BEFORE A JUDGE IN A COURT OF RECORD IN THIS STATE; PROVIDING THAT THE TERMS OF AN INTERSTATE COMPACT OR AGREEMENT APPLY IN CERTAIN CIRCUMSTANCES; REVISING THE CRITERIA FOR BAIL AND DETERMINING THE AMOUNT OF BAIL; AND AMENDING SECTIONS 46-9-105, 46-9-109, AND 46-9-301, MCA.

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

Section 1. Section 46-9-105, MCA, is amended to read:

"**46-9-105. General authority for release and detention.** (1) An arrested person must be released or detained pending judicial proceedings pursuant to Title 46, chapter 9. *When a person is arrested on a judicial warrant after being returned from another state to this state under 46-30-411, the person may not be admitted to bail without first appearing before the judge who issued the warrant, unless that judge is unavailable, in which case another judge in the same jurisdiction may consider the matter. When an arrested person is subject to an interstate compact or agreement, the terms of the applicable interstate compact or agreement and applicable federal laws apply.*

(2) If a person is released, that person shall appear to answer the charge for the alleged commission of the offense, as ordered, in the court having jurisdiction."

Section 2. Section 46-9-109, MCA, is amended to read:

"**46-9-109. Release or detention hearing.** (1) The release or detention of the defendant must be determined immediately upon the defendant's initial appearance.

(2) In determining whether the defendant should be released or detained, the court may use a validated pretrial risk assessment tool and shall take into account the available information concerning:

(a) the nature and circumstances of the offense charged, including whether the offense involved the use of force or violence;

(b) the history and characteristics of the defendant, including:

(i) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community,

community ties, past conduct, history relating to alcohol or drug abuse, criminal history, and record concerning the appearance at court proceedings; ~~and~~

(ii) whether at the time of the current arrest or offense, the defendant was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentencing for an offense;

(iii) the defendant's prior history of abscondence and fugitivity, including costs incurred by a government entity to transport the defendant to this state; and

(iv) whether the person must be detained pursuant to an interstate compact or agreement.

(c) the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release;

(d) the property available as collateral for the defendant's release to determine if it will reasonably ensure the appearance of the defendant as required; and

(e) for a defendant charged with a violation of 45-5-202, 45-5-206, 45-5-213, or 45-5-215 against an intimate partner, a dangerousness or lethality assessment if it is available to the court.

(3) Upon the motion of any party or the court, a hearing may be held to determine whether bail is established in the appropriate amount or whether any other condition or restriction upon the defendant's release will reasonably ensure the appearance of the defendant and the safety of any person or the community."

Section 3. Section 46-9-301, MCA, is amended to read:

"**46-9-301. Determining amount of bail.** In all cases in which bail is determined to be necessary, bail must be reasonable in amount and the amount must be:

(1) sufficient to ensure the presence of the defendant in a pending criminal proceeding;

(2) sufficient to ensure compliance with the conditions set forth in the bail;

(3) sufficient to protect any person from bodily injury;

(4) not oppressive;

(5) commensurate with the nature of the offense charged;

(6) considerate of the financial ability of the accused;

(7) considerate of the defendant's prior record;

(8) considerate of the defendant's prior history of abscondence and fugitivity, including costs incurred by a government entity to transport the defendant to this state;

~~(8)~~*(9)* considerate of the length of time the defendant has resided in the community and of the defendant's ties to the community;

~~(9)~~*(10)* considerate of the defendant's family relationships and ties;

~~(10)~~*(11)* considerate of the defendant's mental health status and of the defendant's participation in a mental health treatment program;

~~(11)~~*(12)* considerate of the defendant's employment status; and

~~(12)~~*(13)* sufficient to include the charge imposed in 46-18-236."

Approved May 12, 2025

CHAPTER NO. 652

[HB 406]

AN ACT REVISING DEADLINES RELATED TO SCHOOL DISTRICT ELECTIONS; ALIGNING CERTAIN DEADLINES WITH LOCAL

GOVERNMENT ELECTIONS HELD ON THE SAME DAY AS A REGULAR SCHOOL ELECTION; AND AMENDING SECTIONS 13-10-211, 20-3-305, 20-20-201, AND 20-20-401, MCA.

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

Section 1. Section 13-10-211, MCA, is amended to read:

"**13-10-211. Declaration of intent for write-in candidates.** (1) A person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. Except for a candidate under 13-38-201(4) or a candidate covered under 7-1-205, a candidate may not file for more than one public office. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. When a county election administrator is conducting the election for a school district, the school district clerk or school district office that receives the declaration of intent shall notify the county election administrator of the filing. Except as provided in 13-1-403, 13-1-503, ~~20-3-305(3)(b),~~ *20-3-305,* and subsection (2) of this section, the declaration must be filed no later than 5 p.m. on the 10th day before the earliest date established under 13-13-205 on which a ballot must be available and must contain:

(a) the candidate's name, including:

(i) the candidate's first and last names;

(ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

(iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

(b) the candidate's mailing address;

(c) a statement declaring the candidate's intention to be a write-in candidate;

(d) the title of the office sought;

(e) the date of the election;

(f) the date of the declaration; and

(g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office that the write-in candidate is seeking dies or is charged with a felony offense and if the election has not been canceled as provided by law.

(3) The secretary of state shall notify each election administrator of the names of write-in candidates who have filed a declaration of intent with the secretary of state. Each election administrator shall notify the election judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

(4) A properly completed and signed declaration of intent may be provided to the election administrator or secretary of state:

(a) by facsimile transmission;

(b) in person;

(c) by mail; or

(d) by electronic mail.

(5) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the secretary of state or the election administrator.

(6) A write-in candidate who files a declaration of intent for a general election may not file with a partisan, nonpartisan, or independent designation."

Section 2. Section 20-3-305, MCA, is amended to read:

"**20-3-305. Candidate qualification, filing deadline, and withdrawal.** (1) Except as provided in 20-3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office of trustee.

(2) (a) Except as provided in subsection (2)(b), a declaration of intent to be a candidate must be submitted to the clerk of the district ~~at least 40 days~~ *no sooner than 145 days and no later than 85 days* before the regular school election day at which the person is to be a candidate. If there are different terms to be filled, the term for the position for which the candidate is filing must also be indicated.

(b) A person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5 p.m. on the *65th* day before the ~~ballot certification deadline in 20-20-401~~ *election*.

(3) (a) A candidate intending to withdraw from the election shall send a statement of withdrawal to the clerk of the district. The statement must contain all information necessary to identify the candidate and the office for which the candidate filed. The statement of withdrawal must be acknowledged by the clerk of the district.

(b) A candidate may not withdraw after 5 p.m. ~~the day before the ballot certification deadline in 20-20-401~~ *on the candidate filing deadline provided in subsection (2)(a)*."

Section 3. Section 20-20-201, MCA, is amended to read:

"**20-20-201. Calling of school election.** (1) *(a)* ~~At least 70 days~~ *At least 145 days* before ~~any~~ *a regular* school election, the trustees of a district or other entity or official authorized by law to call a school election shall call the school election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, ~~any~~ *the* election is requested to be by mail.

(b) The trustees or other entity described in subsection (1)(a) may amend the resolution provided for in subsection (1)(a) until 70 days prior to the regular school election. This subsection (1)(b) may not be construed to affect the ballot certification deadline concerning the certification of the official wording for each ballot issue as provided in 20-20-401.

(c) At least 70 days prior to a special election, the trustees of a district or other entity or official authorized by law to call a school election shall call the special election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, the election is requested to be by mail.

(2) To enable the county election administrator to manage voter registration and prepare the lists of registered electors:

(a) the resolution calling for a school election must be transmitted to the county election administrator no later than 3 days after the resolution is passed; and

(b) if the election is to be conducted by mail, the school clerk must also transmit to the county election administrator a copy of the written plan required under 13-19-205 as soon as the plan has been approved by the secretary of state."

Section 4. Section 20-20-401, MCA, is amended to read:

"**20-20-401. Trustees' election duties -- ballot certification.** (1) The trustees are the general supervisors of school elections unless the trustees request and the county election administrator agrees to conduct a school election under 20-20-417.

(2) Not less than ~~30 days 37 days~~ *40 days* before an election, the clerk of the district shall certify the ballot by preparing a certified list of the names of all candidates entitled to be on the ballot subject to 13-37-126 and certifying the

official wording for each ballot issue. The candidates' names must appear on the ballot in accordance with 13-12-203. The clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least 20 days before the election. Names of candidates on school election ballots need not be rotated.

(3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with the ballots and supplies necessary to conduct the election."

Approved May 12, 2025

CHAPTER NO. 653

[HB 411]

AN ACT EXEMPTING AGRICULTURAL PROPERTY FROM OPEN SPACE PROPERTY TAX LEVIES; AMENDING SECTION 76-6-109, MCA; AND PROVIDING AN APPLICABILITY DATE.

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

Section 1. Section 76-6-109, MCA, is amended to read:

"**76-6-109. Powers of public bodies -- county real property acquisition procedure maintained.** (1) A public body has the power to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:

(a) to borrow funds and make expenditures necessary to carry out the purposes of this chapter;

(b) to advance or accept advances of public funds;

(c) to apply for and accept and use grants and any other assistance from the federal government and any other public or private sources, to give security as may be required, to enter into and carry out contracts or agreements in connection with the assistance, and to include in any contract for assistance from the federal government conditions imposed pursuant to federal laws as the public body may consider reasonable and appropriate and that are not inconsistent with the purposes of this chapter;

(d) to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter;

(e) in connection with the real property acquired or designated for the purposes of this chapter, to provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities or structures that may be necessary to the provision, preservation, maintenance, and management of the property as open-space land;

(f) to insure or provide for the insurance of any real or personal property or operations of the public body against any risks or hazards, including the power to pay premiums on the insurance;

(g) to demolish or dispose of any structures or facilities that may be detrimental to or inconsistent with the use of real property as open-space land; and

(h) to exercise any of its functions and powers under this chapter jointly or cooperatively with public bodies of one or more states, if they are authorized by state law, and with one or more public bodies of this state and to enter into agreements for joint or cooperative action.

(2) For the purposes of this chapter, the state, a city, town, or other municipality, or a county may:

(a) appropriate funds;

(b) subject to 15-10-420, levy taxes and assessments according to existing codes and statutes;

(c) issue and sell its general obligation bonds in the manner and within the limitations prescribed by the applicable laws of the state, subject to subsection (3); and

(d) exercise its powers under this chapter through a board or commission or through the office or officers that its governing body by resolution determines or as the governor determines in the case of the state.

(3) ~~Property taxes levied to pay~~ *Open space levies and property taxes pledged to the payment of* the principal and interest on general obligation bonds issued by a city, town, other municipality, or county pursuant to this chapter may not be levied against the following property:

(a) agricultural land eligible for valuation, assessment, and taxation as agricultural land under 15-7-202;

(b) forest land as defined in 15-44-102;

(c) all agricultural improvements on agricultural land referred to in subsection (3)(a);

(d) all noncommercial improvements on forest land referred to in subsection (3)(b); and

(e) agricultural implements and equipment described in 15-6-138(1)(a).

(4) This chapter does not supersede the provisions of Title 7, chapter 8, parts 22 and 25."

Section 2. Applicability. [This act] applies to all open space levies and bonds, regardless of the approval date, and to property tax years beginning on or after January 1, 2026.

Approved May 12, 2025

CHAPTER NO. 654

[HB 419]

AN ACT ESTABLISHING A STANDARDIZED COST REPORTING PROCESS FOR CERTAIN MEDICAID SERVICE PROVIDERS; PROVIDING AN APPROPRIATION; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 53-6-402, MCA; REPEALING SECTION 53-6-406, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Purpose. The department of public health and human services shall establish a standardized cost reporting process for certain medicaid service providers. The cost report information will be used to inform the department and the legislature about the adequacy of medicaid rates.

Section 2. Reporting services. (1) The department of public health and human services shall include the following services in its cost reporting process:

(a) adult mental health;

(b) children's mental health;

(c) substance use disorder;

(d) developmental disabilities; and

(e) senior and long-term care.

(2) Services included in the cost report must be funded in one of the following ways:

(a) as a medicaid state plan service;

(b) through a medicaid state plan option available to the state under 42 U.S.C. 1396n(k);

(c) under any type of medicaid waiver program;

(d) state-funded services; or

(e) other identified funding sources that support services in subsection (1).

Section 3. Process to establish cost reporting. (1) The department of public health and human services shall establish a cost reporting process that:

(a) implements a standardized cost reporting format that includes recognized revenues and expenditures incurred by medicaid service providers;

(b) identifies medicaid service providers and other providers that are required to submit cost reporting information;

(c) identifies providers that are exempt from cost reporting requirements;

(d) determines a base year for data collection and identifies the types of expenditures and revenues for which providers are required to report data in order for the department to analyze the data and make determinations about rate adequacy;

(e) collects data to update the base-year expenditures at least once every 4 years but not more than once in any 2-year period;

(f) consults medicaid service providers in the development of the cost report format; and

(g) establishes protocols to protect provider cost reporting data.

(2) Identified medicaid service providers shall:

(a) provide actual expenditures and revenue data to the department in the standardized reporting format established under this section;

(b) submit cost information reflecting costs incurred during the provider's most recent fiscal year; and

(c) provide audits or cooperate in audits of the submitted data if requested by the department.

Section 4. Reporting. (1) Contingent upon legislative appropriation, the department of public health and human services shall develop a report to document the adequacy of current medicaid rates compared to reported medicaid service provider costs at least once every 4 years.

(2) The report must consider the following data sources in the development of rate adequacy:

(a) medicaid service provider cost report information submitted as required in [section 3];

(b) claims data;

(c) United States bureau of labor statistics data;

(d) internal revenue service data;

(e) United States department of agriculture data;

(f) United States census bureau data

(g) peer state comparisons; and

(h) any other relevant regional and national data considered appropriate by the department.

(3) The report must provide information to support a biennial or supplemental budget request as necessary to adjust medicaid service provider reimbursement rates to ensure rate adequacy.

(4) The department shall provide the report at least once every 4 years to the office of budget and program planning, the children, families, health, and human services interim committee, and the interim budget committee in accordance with 5-11-210. The first report is due by September 1, 2026.

(5) In accordance with the Montana Procurement Act, the department may contract with a cost-based reporting expert to assist in completing subsections (1) through (4).

Section 5. Rulemaking. The department of public health and human services may adopt rules to carry out the cost reporting provisions of [sections 2 through 4], including rules on:

(1) the costs a medicaid service provider must report to the department;

(2) the report format; and

(3) the deadline for the department to file the report.

Section 6. Section 53-6-402, MCA, is amended to read:

"**53-6-402. Medicaid-funded home and community-based services -- waivers -- funding limitations -- populations -- services -- providers -- long-term care preadmission screening -- powers and duties of department -- rulemaking authority.** (1) The department may obtain waivers of federal medicaid law in accordance with section 1915 of Title XIX of the Social Security Act, 42 U.S.C. 1396n, and administer programs of home and community-based services funded with medicaid money for categories of persons with disabilities or persons who are elderly.

(2) The department may seek and obtain any necessary authorization provided under federal law to implement home and community-based services for seriously emotionally disturbed children pursuant to a waiver of federal law as permitted by section 1915 of Title XIX of the Social Security Act, 42 U.S.C. 1396n(c). The home and community-based services system shall strive to incorporate the following components:

(a) flexibility in design of the system to attempt to meet individual needs;

(b) local involvement in development and administration;

(c) encouragement of culturally sensitive and appropriately trained mental health providers;

(d) accountability of recipients and providers; and

(e) development of a system consistent with the state policy as provided in 52-2-301.

(3) The department may, subject to the terms and conditions of a federal waiver of law, administer programs of home and community-based services to serve persons with disabilities or persons who are elderly who meet the level of care requirements for one of the categories of long-term care services that may be funded with medicaid money. Persons with disabilities include persons with physical disabilities, chronic mental illness, developmental disabilities, brain injury, or other characteristics and needs recognized as appropriate populations by the U.S. department of health and human services. Programs may serve combinations of populations and subsets of populations that are appropriate subjects for a particular program of services.

(4) The provision of services to a specific population through a home and community-based services program must be less costly in total medicaid funding than serving that population through the categories of long-term care facility services that the specific population would be eligible to receive otherwise.

(5) The department may initiate and operate a home and community-based services program to more efficiently apply available state general fund money, other available state and local public and private money, and federal money to the development and maintenance of medicaid-funded programs of health care and related services and to structure those programs for more efficient and effective delivery to specific populations.

(6) *(a)* The department, in establishing programs of home and community-based services, shall administer the expenditures for each program

within the available state spending authority that may be applied to that program. In establishing covered services for a home and community-based services program, the department shall establish those services in a manner to ensure that the resulting expenditures remain within the available funding for that program.

(b) To the extent permitted under federal law, the department may adopt financial participation requirements for enrollees in a home and community-based services program to foster appropriate utilization of services among enrollees and to maintain fiscal accountability of the program. The department may adopt financial participation requirements that may include but are not limited to*:*

(i) copayments*;*;

(ii) payment of monthly or yearly enrollment fees*;*; or

(iii) deductibles.

(c) The financial participation requirements adopted by the department may vary among the various home and community-based services programs.

(d) The department, as necessary, may further limit enrollment in programs, reduce the per capita expenditures available to enrollees, and modify and reduce the types and amounts of services available through a home and community-based services program when the department determines that expenditures for a program are reasonably expected to exceed the available spending authority.

(7) The department may consider the following populations or subsets of populations for home and community-based services programs:

(a) persons with developmental disabilities who need, on an ongoing or frequent basis, habilitative and other specialized and supportive developmental disabilities services to meet their needs of daily living and to maintain the persons in community-integrated residential and day or work situations;

(b) persons with developmental disabilities who are 18 years of age and older and who are in need of habilitative and other specialized and supportive developmental disabilities services necessary to maintain the persons in personal residential situations and in integrated work opportunities;

(c) persons 18 years of age and older with developmental disabilities and chronic mental illness who are in need of mental health services in addition to habilitative and other developmental disabilities services necessary to meet their needs of daily living, to treat their mental illness, and to maintain the persons in community-integrated residential and day or work situations;

(d) children under 21 years of age who are seriously emotionally disturbed and in need of mental health and other specialized and supportive services to treat their mental illness and to maintain the children with their families or in other community-integrated residential situations;

(e) persons 18 years of age and older with brain injuries who are in need, on an ongoing or frequent basis, of habilitative and other specialized and supportive services to meet their needs of daily living and to maintain the persons in personal or other community-integrated residential situations;

(f) persons 18 years of age and older with physical disabilities who are in need, on an ongoing or frequent basis, of specialized health services and personal assistance and other supportive services necessary to meet their needs of daily living and to maintain the persons in personal or other community-integrated residential situations;

(g) persons with human immunodeficiency virus (HIV) infection who are in need of specialized health services and intensive pharmaceutical therapeutic regimens for abatement and control of the HIV infection and related symptoms in order to maintain the persons in personal residential situations;

(h) persons with chronic mental illness who suffer from serious chemical dependency and who are in need of intensive mental health and chemical dependency services to maintain the persons in personal or other community-integrated residential situations;

(i) persons 65 years of age and older who are in need, on an ongoing or frequent basis, of health services, personal assistance, and other supportive services necessary to meet their needs of daily living and to maintain the persons in personal or other community-integrated residential situations; or

(j) persons 18 years of age and older with chronic mental illness who are in need, on an ongoing or frequent basis, of specialized health services and other supportive services necessary to meet their needs of daily living and to maintain the persons in personal or other community-integrated residential situations.

(8) For each authorized program of home and community-based services, the department shall set limits on overall expenditures and enrollment and limit expenditures as necessary to conform with the requirements of section 1915 of Title XIX of the Social Security Act, 42 U.S.C. 1396n, and the conditions placed upon approval of a program authorized through a waiver of federal law by the U.S. department of health and human services.

(9) A home and community-based services program may include any of the following categories of services as determined by the department to be appropriate for the population or populations to be served and as approved by the U.S. department of health and human services:

(a) case management services;

(b) homemaker services;

(c) home health aide services;

(d) services provided by a licensed pediatric complex care assistant as authorized under Title 37, chapter 2, part 6;

(e) personal care services;

(f) adult day health services;

(g) habilitation services;

(h) respite care services; and

(i) other cost-effective services appropriate for maintaining the health and well-being of persons and to avoid institutionalization of persons.

(10) Subject to the approval of the U.S. department of health and human services, the department may establish appropriate programs of home and community-based services under this section in conjunction with programs that have limited pools of providers or with managed care arrangements, as implemented through 53-6-116 and as authorized under section 1915 of Title XIX of the Social Security Act, 42 U.S.C. 1396n, or in conjunction with a health insurance flexibility and accountability demonstration initiative or other demonstration project as authorized under section 1115 of Title XI of the Social Security Act, 42 U.S.C. 1315.

(11) (a) The department may conduct long-term care preadmission screenings in accordance with section 1919 of Title XIX of the Social Security Act, 42 U.S.C. 1396r.

(b) Long-term care preadmission screenings are required for all persons seeking admission to a long-term care facility.

(c) A person determined through a long-term care preadmission screening to have an intellectual disability or a mental illness may not reside in a long-term care facility unless the person meets the long-term care level-of-care determination applicable to the type of facility and is determined to have a primary need for the care provided through the facility.

(d) The long-term care preadmission screenings must include a determination of whether the person needs specialized intellectual disability or mental health treatment while residing in the facility.

(12) The department may adopt rules necessary to implement the long-term care preadmission screening process as required by section 1919 of Title XIX of the Social Security Act, 42 U.S.C. 1396r. The rules must provide criteria, procedures, schedules, delegations of responsibilities, and other requirements necessary to implement long-term care preadmission screenings.

(13) (a) The department shall adopt rules necessary for the implementation of each program of home and community-based services, including rules for substantive changes to approved waiver provisions as required under 53-6-413. The rules may include but are not limited to the following:

(i) the populations or subsets of populations, as provided in subsection (7), to be served in each program;

(ii) limits on enrollment;

(iii) limits on per capita expenditures;

(iv) requirements and limitations for service costs and expenditures;

(v) eligibility categories criteria, requirements, and related measures;

(vi) designation and description of the types and features of the particular services provided for under subsection (9);

(vii) provider requirements and reimbursement;

(viii) financial participation requirements for enrollees as provided in subsection (6);

(ix) utilization measures;

(x) measures to ensure the appropriateness and quality of services to be delivered; and

(xi) other appropriate provisions necessary to the administration of the program and the delivery of services in accordance with 42 U.S.C. 1396n and any conditions placed upon approval of a program by the U.S. department of health and human services.

(b) Unless required by federal law or regulation, the department may not adopt rules that exclude a child from home and community-based services or require prior authorization for a child to access home and community-based services if the child would be eligible for or able to access the home and community-based services without prior authorization if the child was not in foster care.

(c) Reimbursement rates for pediatric complex care assistants licensed pursuant to 37-2-603 must reflect the special skills needed to meet the health care needs of the individuals receiving the services and must be comparable to the reimbursement rate for home health aide services.

(14) The department shall establish by rule the procedures for moving a person from a waiting list for services provided through a medicaid home and community-based services waiver into the waiver services, including the process and priorities to be used in making determinations related to the waiting list. The department may not modify the policies established in rule by adopting supplemental policies or procedures not subject to the administrative rulemaking process.

(15) The department shall adopt rules for the provision of the fraud prevention training required under 53-6-405, including but not limited to establishing the elements that must be contained in fraud prevention education materials and the models that may be used for the training.

~~(16) The department shall adopt rules to carry out the cost reporting provisions of 53-6-406, including but not limited to the costs that a provider~~

~~is required to report to the department, the format of the report, and the deadline for filing the report.~~ (Subsections (9)(d) and (13)(c) terminate June 30, 2031--sec. 10, Ch. 628, L. 2023.)"

Section 7. Repealer. The following section of the Montana Code Annotated is repealed:

53-6-406. Fiscal accountability for home and community-based services -- report to legislature.

Section 8. Appropriations. (1) There is appropriated $600,000 from the general fund to the department of public health and human services for the biennium beginning July 1, 2025, for costs of the development of the report mandated by [section 4].

(2) There is appropriated $600,000 in federal special revenue to the department of public health and human services for the biennium beginning July 1, 2025, to provide matching funds to the department.

Section 9. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to [sections 1 through 5].

Section 10. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 655

[HB 421]

AN ACT INCREASING FIRE PROTECTION ASSESSMENT RATES COLLECTED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTION 76-13-201, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 76-13-201, MCA, is amended to read:

"**76-13-201. Costs for protection from fire.** (1) An owner of land classified as forest land that is within a wildland fire protection district or that is otherwise under contract for fire protection by a recognized agency is subject to the fees for fire protection provided in this section.

(2) The department shall provide fire protection to the land described in subsection (1) at a cost to the landowner of not more than ~~$50~~ *$58.70* for each landowner in the protection district and of not more than an additional ~~30~~ *49* cents per acre per year for each acre in excess of 20 acres owned by each landowner in each protection district, as necessary to yield the amount of money provided for in 76-13-207. Assessment, payment, and collection of the fire protection costs must be in accordance with 76-13-207.

(3) Other charges may not be assessed to a participating landowner except in cases of proved negligence on the part of the landowner or the landowner's agent or in the event of a violation of 50-63-103."

Section 2. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 656

[HB 444]

AN ACT GENERALLY REVISING LAWS RELATED TO RESIDENTIAL TENANTS' SECURITY DEPOSITS; PROVIDING LANDLORDS THE ABILITY

TO PROVIDE NOTICES BY E-MAIL; SPECIFYING HOW THE LANDLORD MAY RETURN A SECURITY DEPOSIT; AMENDING SECTIONS 70-25-201 AND 70-25-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 70-25-201, MCA, is amended to read:

"**70-25-201. Security deposit -- deductions authorized therefrom.** (1) A landlord renting property covered by this chapter may deduct from the security deposit a sum equal to the damage alleged to have been caused by the tenant, together with a sum equal to the unpaid rent, late charges, utilities, penalties due under lease provisions, and other money owing to the landlord at the time of deduction, including rent owed under 70-24-441(3), and a sum for actual cleaning expenses, including a reasonable charge for the landlord's labor.

(2) At the request of either party, the premises may be inspected within 1 week prior to termination of the tenancy.

(3) *(a)* Cleaning charges may not be imposed for normal maintenance performed on a cyclical basis by the landlord as noted by the landlord at the time that the tenant occupies the space unless the landlord is forced to perform this maintenance because of negligence of the tenant. Additionally, cleaning charges may not be deducted until written notice has been given to the tenant. The notice must include the cleaning not accomplished by the tenant and the additional *amount* and type or types of cleaning that need to be done by the tenant to bring the premises back to its condition at the time of its renting.

(b) After the delivery of the notice *pursuant to 70-24-108 or 70-33-106*, the tenant has 24 hours to complete the required cleaning, unless the rental agreement is already terminated pursuant to 70-24-427 or 70-33-427 and the landlord has a pending claim ~~for actual damages~~ filed in court.. If *the* notice is mailed by certified mail, service of the notice is considered to have been made 3 days after the date of the mailing.

(c) A tenant who fails to notify the landlord of the intent to vacate or who vacates the premises without notice relieves the landlord of the requirement of giving notice and allows the landlord to deduct the cleaning charges from the deposit, or the landlord may leave a copy of the notice in a conspicuous location in the rental unit and notify the tenant by e-mail, phone, or text, and notice is considered delivered.

(4) A person may not deduct or withhold from the security deposit any amount for purposes other than those set forth in this section."

Section 2. Section 70-25-202, MCA, is amended to read:

"**70-25-202. List of damages and refund -- delivery to departing tenant.** (1) Except as provided in subsection (2):

(a) *(i)* Each landlord, within 30 days subsequent to the termination of a tenancy or within 30 days subsequent to a surrender and acceptance of the leasehold premises, whichever occurs first, shall provide the departing tenant with a written list of any rent due and any damage and cleaning charges, brought after the provisions of 70-25-201 have been followed, with regard to the leasehold premises that the landlord alleges are the responsibility of the tenant. Delivery of the list must be accompanied by payment of the difference, if any, between the security deposit and the permitted charges set forth in 70-25-201.

(ii) Delivery ~~must be accomplished by mailing the list and refund to~~ *of the refund must be accomplished by different forms of payment that include electronic fund transfers, cash, check, or other forms of refund, or by mailing the*

security deposit to the new address provided by the tenant or, if a new address is not provided, to the tenant's last-known address. Delivery of the written list must be noticed pursuant to 70-24-108 or 70-33-106. ~~the new address provided by the tenant or, if a new address is not provided, to the tenant's last-known address.~~

(b) *(i)* If after inspection there are no damages to the premises, no cleaning required, and no rent unpaid and if the tenant can demonstrate that no utilities are unpaid by the tenant, the landlord shall return the security deposit within 10 days ~~by mailing it to the new address provided by the tenant or, if a new address is not provided, to the tenant's last-known address~~.

(ii) Delivery of the refund must be accomplished by different forms of payment that include electronic fund transfers, cash, check, or other forms of refund, or by mailing the security deposit to the new address provided by the tenant or, if a new address is not provided, to the tenant's last-known address. *Delivery of the written list must be noticed pursuant to 70-24-108 and 70-33-106.*

(c) It is not a wrongful withholding of security deposit funds if the landlord mails the funds to the last-known address of a tenant who has departed and the tenant does not receive the funds because the tenant has not given the landlord the tenant's new address, but the landlord remains liable to the tenant for the amount due the tenant.

(2) This section does not apply if a rental agreement is terminated pursuant to 70-24-427 or 70-33-427 and the landlord has a pending claim ~~for actual damages~~ filed in court."

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

Approved May 12, 2025

CHAPTER NO. 657

[HB 446]

AN ACT PROVIDING THE EXPOSURE OF A PERSON'S INTIMATE PARTS IN A PUBLIC PLACE TO MEMBERS OF THE OPPOSITE SEX OR THE OPPOSITE SEX OBSERVED AT BIRTH TO THE PERSON CONSTITUTES INDECENT EXPOSURE; PROVIDING A DEFINITION; AMENDING SECTIONS 45-5-504 AND 46-23-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 45-5-504, MCA, is amended to read:

"**45-5-504. Indecent exposure.** (1) A person commits the offense of indecent exposure if the person knowingly or purposely exposes the person's genitals or intimate parts by any means, including electronic communication as defined in 45-5-625(5)(a), under circumstances in which the person knows the conduct is likely to cause affront or alarm in order to:

(a) abuse, humiliate, harass, *violate the dignity of,* or degrade another; or

(b) arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person.

(2) (a) A person convicted of the offense of indecent exposure shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term of not more than 6 months, or both.

(b) On a second conviction, the person shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term of not more than 1 year, or both.

(c) On a third or subsequent conviction, the person shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term of not more than 10 years, or both.

(3) (a) A person commits the offense of indecent exposure to a minor if the person commits an offense under subsection (1) and the person knows the conduct will be observed by a person who is under 16 years of age and the offender is more than 4 years older than the victim.

(b) A person convicted of the offense of indecent exposure to a minor shall be fined an amount not to exceed $50,000 or be imprisoned in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years, or both.

(4) (a) Except when a minor is accompanied by a parent or guardian, or when an individual with developmental disabilities is accompanied by a parent, guardian, or other caretaker or health care provider designated by the parent or guardian, a person commits the offense of indecent exposure in a public place when the person knowingly or purposely, under circumstances in which the person knows the conduct is likely to cause affront or alarm, exposes their genitals or intimate parts to members of the opposite biological sex or opposite the person's sex observed at birth.

(b) (i) A person convicted of the offense of indecent exposure shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term of not more than 6 months, or both.

(ii) On a second conviction, the person shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term of not more than 1 year, or both.

(iii) On a third or subsequent conviction, the person shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term of not more than 10 years, or both.

(c) As used in this subsection (4), "public place" means a place to which the public or a group of persons has access and includes but is not limited to transportation facilities, restrooms, locker rooms, dressing rooms, and showers that are designated for multiperson, single-sex use, schools, places of amusement, parks, places of business, playgrounds, and hallways, lobbies, and other portions of apartment houses, multifamily dwellings, and hotels, except for rooms or apartments designed for actual residence."

Section 2. Section 46-23-502, MCA, is amended to read:

"**46-23-502. Definitions.** As used in Title 45, chapter 5, part 3 and parts 5 through 7, 46-18-255, and this part, the following definitions apply:

(1) "Department" means the department of corrections provided for in 2-15-2301.

(2) "Foreign offenses" means a conviction for a sexual offense involving any of the conduct listed in this section that was obtained under the laws of Canada, the United Kingdom, Australia, or New Zealand, or under the laws of any foreign country when the United States department of state, in its country reports on human rights practices, has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction was obtained.

(3) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the health and safety of other persons.

(4) "Municipality" means an entity that has incorporated as a city or town.

(5) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(6) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(7) "Registration agency" means:

(a) if the offender resides in a municipality, the police department of that municipality; or

(b) if the offender resides in a place other than a municipality, the sheriff's office of the county in which the offender resides.

(8) (a) "Residence" means the location at which a person regularly resides, regardless of the number of days or nights spent at that location, that can be located by a street address, including a house, apartment building, motel, hotel, or recreational or other vehicle.

(b) The term does not mean a homeless shelter.

(9) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct psychosexual evaluations of sexual offenders and sexually violent predators.

(10) (a) "Sexual offense" means any violation, attempt, solicitation, or conspiracy to commit a violation, or flight after the attempt or commission of the following:

(i) 45-5-301, unlawful restraint, if the victim is less than 18 years of age and the offender is not a parent of the victim;

(ii) 45-5-302, kidnapping, if the victim is less than 18 years of age and the offender is not a parent of the victim;

(iii) 45-5-303, aggravated kidnapping, if the victim is less than 18 years of age and the offender is not a parent of the victim;

(iv) 45-5-502(2)(c), (3), and (4), sexual assault;

(v) 45-5-503, sexual intercourse without consent;

(vi) 45-5-504(2)(c)*,* ~~and~~ (3), *and (4),* indecent exposure;

(vii) 45-5-507, incest, if the victim is less than 18 years of age and the offender is 3 or more years older than the victim, or if the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense;

(viii) 45-5-508, aggravated sexual intercourse without consent;

(ix) 45-5-601(2)(b) and (3), prostitution;

(x) 45-5-622(2)(b)(ii), endangering the welfare of children;

(xi) 45-5-625, sexual abuse of children;

(xii) 45-5-627(1)(a), ritual abuse of a minor;

(xiii) 45-5-705, patronizing a victim of sex trafficking;

(xiv) 45-5-706, aggravated sex trafficking;

(xv) 45-5-711, child sex trafficking;

(xvi) 45-8-218, deviate sexual conduct; or

(xvii) any violation of a law of another state, a tribal government, the federal government, or the military or a foreign entity that is reasonably equivalent to a violation listed in subsections (10)(a)(i) through (10)(a)(xvi) or for which the offender was required to register as a sexual offender after an adjudication or conviction.

(b) The term does not include the exceptions provided for in 45-5-501, 45-5-502, and 45-5-503.

(11) "Sexual or violent offender" means a person who has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual or violent offense.

(12) "Sexually violent predator" means a person who:

(a) has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses; or

(b) has been convicted of a sexual offense against a victim 12 years of age or younger and the offender is 18 years of age or older.

(13) "Transient" means an offender who has no residence.

(14) "Violent offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of:

(i) 45-5-102, deliberate homicide;

(ii) 45-5-103, mitigated deliberate homicide;

(iii) 45-5-202, aggravated assault;

(iv) 45-5-206 (third or subsequent offense), partner or family member assault;

(v) 45-5-210(1)(b), (1)(c), or (1)(d), assault on a peace officer or judicial officer;

(vi) 45-5-212, assault on a minor;

(vii) 45-5-213, assault with a weapon;

(viii) 45-5-215, strangulation of a partner or family member;

(ix) 45-5-302 (if the victim is not a minor), kidnapping;

(x) 45-5-303 (if the victim is not a minor), aggravated kidnapping;

(xi) 45-5-401, robbery;

(xii) 45-6-103, arson; or

(xiii) 45-9-132, operation of unlawful clandestine laboratory; or

(b) any violation of a law of another state, a tribal government, the federal government, or the military or a foreign entity reasonably equivalent to a violation listed in subsection (14)(a)."

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 658

[HB 483]

AN ACT GENERALLY REVISING SCHOOL FUNDING LAWS RELATED TO PROPERTY TAXES; REQUIRING THE OFFICE OF PUBLIC INSTRUCTION AND THE DEPARTMENT OF REVENUE TO COLLABORATE AND MITIGATE THE IMPACTS OF REAPPRAISAL ON SCHOOL PROPERTY TAXES; PROVIDING THAT THE STATE AND COUNTY SCHOOL EQUALIZATION MILLS AND VOCATIONAL-TECHNICAL EDUCATION MILLS ARE FIXED AMOUNTS; PROVIDING THAT SCHOOL LEVIES ARE NOT SUBJECT TO SECTION 15-10-420, MCA; REVISING THE PROPERTY TAX RELIEF MECHANISMS WITHIN THE SCHOOL EQUALIZATION AND PROPERTY TAX REDUCTION ACCOUNT; CONTINGENT ON PROPERTY TAX LEGISLATION ENACTED, INCREASING GUARANTEED TAX BASE MULTIPLIERS FOR FISCAL YEAR 2026 TO PROTECT PROPERTY

TAXPAYERS; CONTINGENT ON PROPERTY TAX LEGISLATION ENACTED, LOWERING PROPERTY TAXES BY INCREASING THE ON-SCHEDULE REIMBURSEMENT RATES FOR SCHOOL TRANSPORTATION; REVISING THE STATE-COUNTY SHARE OF ON-SCHEDULE REIMBURSEMENTS FOR SCHOOL TRANSPORTATION; REVISING DEFINITIONS; AMENDING SECTIONS 15-10-420, 20-9-306, 20-9-331, 20-9-333, 20-9-336, 20-9-360, 20-9-366, 20-9-367, 20-9-368, 20-9-404, 20-9-525, 20-9-533, 20-10-141, 20-10-144, 20-10-145, 20-10-146, 20-25-439, AND 90-6-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Section 15-10-420, MCA, is amended to read:

"**15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

(i) annexation of real property and improvements into a taxing unit;

(ii) construction, expansion, or remodeling of improvements;

(iii) transfer of property into a taxing unit;

(iv) subdivision of real property; and

(v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

(i) a change in the boundary of a tax increment financing district;

(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

(iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported

as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) ~~Subject to subsection (8), subsection (1)(a)~~ *This section* does not apply to:

(a) mills imposed under 15-10-109, 20-9-331, 20-9-333, 20-9-360, or 20-25-439;

~~(a)~~*(b)* school district levies established in Title 20 *or any other title of the Montana Code Annotated*; or

~~(b)~~*(c)* a mill levy imposed for a newly created regional resource authority.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

(a) may increase the number of mills to account for a decrease in reimbursements; and

(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).

~~(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.~~

~~(9)~~*(8)* (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402;

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

(iv) a levy for the support of a study commission under 7-3-184;

(v) a levy for the support of a newly established regional resource authority;

(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

(vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary;

(viii) a levy used to fund the sheriffs' retirement system under 19-7-404(3)(b); or

(ix) a governmental entity from levying mills for the support of an airport authority in existence prior to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past. The levy under this subsection ~~(9)(a)(ix)~~ *(8)(a)(ix)* is limited to the amount in the resolution creating the authority.

(b) A levy authorized under subsection ~~(9)(a)~~ *(8)(a)* may not be included in the amount of property taxes actually assessed in a subsequent year.

~~(10)~~*(9)* A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

~~(11)~~*(10)* The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit."

Section 2. Section 20-9-306, MCA, is amended to read:

"**20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

(b) *subject to adjustment under 20-9-336,* guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment;

(f) the total American Indian achievement gap payment;

(g) the total data-for-achievement payment; and

(h) the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes*:*

(a) subject to adjustment under 20-9-336, 80% of the basic entitlement~~,~~ *and* 80% of the total per-ANB entitlement~~,~~*;*

(b) 100% of the *following payments:*

(i) the total quality educator payment~~, 100% of~~*;*

(ii) the total at-risk student payment~~, 100% of~~*;*

(iii) the total Indian education for all payment~~, 100% of~~*;*

(iv) the total American Indian achievement gap payment~~, 100% of~~*; and*

(v) the total data-for-achievement payment~~,~~*;* and

(c) 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) for each high school district:

(i) $343,483 for fiscal year 2024 and $353,787 for each succeeding fiscal year for school districts with an ANB of 800 or fewer; and

(ii) $343,483 for fiscal year 2024 and $353,787 for each succeeding fiscal year for school districts with an ANB of more than 800, plus $17,175 for fiscal

year 2024 and $17,690 for each succeeding fiscal year for each additional 80 ANB over 800;

(b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) $57,246 for fiscal year 2024 and $58,963 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of 250 or fewer; and

(ii) $57,246 for fiscal year 2024 and $58,963 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of more than 250, plus $2,863 for fiscal year 2024 and $2,949 for each succeeding fiscal year for each additional 25 ANB over 250;

(c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) for the district's kindergarten through grade 6 elementary program:

(A) $57,246 for fiscal year 2024 and $58,963 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of 250 or fewer; and

(B) $57,246 for fiscal year 2024 and $58,963 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of more than 250, plus $2,863 for fiscal year 2024 and $2,949 for each succeeding fiscal year for each additional 25 ANB over 250; and

(ii) for the district's approved and accredited junior high school, 7th and 8th grade programs, or middle school:

(A) $114,493 for fiscal year 2024 and $117,928 for each succeeding fiscal year for school districts or K-12 district elementary programs with combined grades 7 and 8 with an ANB of 450 or fewer; and

(B) $114,493 for fiscal year 2024 and $117,928 for each succeeding fiscal year for school districts or K-12 district elementary programs with combined grades 7 and 8 with an ANB of more than 450, plus $5,724 for fiscal year 2024 and $5,896 for each succeeding fiscal year for each additional 45 ANB over 450.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, the total data-for-achievement payment, and the greater of the district's special education allowable cost payment multiplied by:

(a) 175%; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and within the general fund budget limits established in 20-9-308 and calculated as provided in 20-9-141.

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying $235 for fiscal year 2024 and $242 for each succeeding fiscal year times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total data-for-achievement payment" means the payment provided in 20-9-325 resulting from multiplying $22.89 for fiscal year 2024 and $23.58 for each succeeding fiscal year by the district's ANB calculated in accordance with 20-9-311.

(14) "Total Indian education for all payment" means the payment resulting from multiplying $23.91 for fiscal year 2024 and $24.63 for each succeeding fiscal year times the ANB of the district or $100 for each district, whichever is greater, as provided for in 20-9-329.

(15) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of $7,840 for fiscal year 2024 and $8,075 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of $6,123 for fiscal year 2024 and $6,307 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of $6,123 for fiscal year 2024 and $6,307 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of $7,840 for fiscal year 2024 and $8,075 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(16) "Total quality educator payment" means the payment resulting from multiplying $3,566 for fiscal year 2024 and $3,673 for each succeeding fiscal year by the sum of:

(a) the number of full-time equivalent educators as provided in 20-9-327; and

(b) as provided in 20-9-324, for a school district meeting the legislative goal for competitive base pay of teachers, the number of full-time equivalent teachers that were in the first 3 years of the teacher's teaching career in the previous year.

(17) "Total special education allocation" means the state payment distributed pursuant to 20-9-321 that is the greater of the amount resulting from multiplying $293.74 for fiscal year 2024 and $302.55 for each succeeding

fiscal year by the statewide current year ANB or the amount of the previous year's total special education allocation."

Section 3. Section 20-9-331, MCA, is amended to read:

"**20-9-331. Basic county tax for elementary equalization and other revenue for county equalization of elementary BASE funding program.** (1) ~~Subject to 15-10-420, the~~ *The* county commissioners of each county shall levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204, for the purposes of elementary equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the elementary BASE funding programs of the school districts in the county and to the school equalization and property tax reduction account established in 20-9-336 in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE funding programs of all elementary districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed by this section and the revenue from the following sources must be used for the equalization of the elementary BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal Taylor Grazing Act funds designated for the elementary county equalization fund under the provisions of 17-3-222;

(b) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(c) all money paid into the county treasury as a result of fines for violations of law, except money paid to a justice's court, and the use of which is not otherwise specified by law;

(d) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established or referred to in this section;

(e) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(f) gross proceeds taxes from coal under 15-23-703; and

(g) oil and natural gas production taxes."

Section 4. Section 20-9-333, MCA, is amended to read:

"**20-9-333. Basic county tax for high school equalization and other revenue for county equalization of high school BASE funding program.** (1) ~~Subject to 15-10-420, the~~ *The* county commissioners of each county shall levy an annual basic county tax of 22 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204, for the purposes of high school equalization and state BASE funding

program support. The revenue collected from this levy must be apportioned to the support of the BASE funding programs of high school districts in the county and to the school equalization and property tax reduction account established in 20-9-336 in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the sum of the county's high school tuition obligation and the total of the BASE funding programs of all high school districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed in this section and the revenue from the following sources must be used for the equalization of the high school BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established in this section;

(b) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(c) gross proceeds taxes from coal under 15-23-703; and

(d) oil and natural gas production taxes."

Section 5. Section 20-9-336, MCA, is amended to read:

"**20-9-336. School equalization and property tax reduction account -- uses.** (1) There is a school equalization and property tax reduction account in the state special revenue fund. Contingent on appropriation by the legislature, money in the account is for distribution to school districts as the second source of funding for state equalization aid as provided in 20-9-343. At fiscal yearend, any fund balance in the account exceeding what was appropriated must be transferred to the guarantee account established in 20-9-622.

(2) The account receives revenue as described in 20-9-331, 20-9-333, and 20-9-360.

(3) *(a)* Beginning in fiscal year ~~2025~~ *2027*, each December the superintendent of public instruction shall forecast the amount of revenue the account will receive in that fiscal year by dividing the sum of the taxable value of all property in the state reported by the department of revenue pursuant to 20-9-369 by 1,000 to determine a statewide value mill and then multiplying that amount by ~~95 mills, or the number of mills calculated by the department of revenue under 15-10-420(8) for the applicable fiscal year~~ *the total number of mills specified in 20-9-331, 20-9-333, and 20-9-360.*

(b) If the forecasted amount *in subsection (3)(a)* differs from the amount determined through the same calculation in the prior fiscal year ~~by $2 million or more~~ and is~~:~~

~~(a)~~ less *by an amount greater than $2 million*, then the superintendent shall:

(i) decrease the multiplier used to calculate the statewide elementary and high school guaranteed tax base ratios used for funding BASE budgets under

20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of guaranteed tax base aid distributed to eligible school districts equal to 85% of the decrease in the calculated amount between the 2 years; and

(ii) decrease the multiplier used to calculate the statewide elementary and high school mill value per ANB for school retirement guaranteed tax base purposes under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of retirement guaranteed tax base aid distributed to eligible ~~school districts~~ *counties* equal to 15% of the decrease in the calculated amount between the 2 years~~;~~.

~~(b) more, then the superintendent shall increase the multipliers used in the guaranteed tax base formulas under 20-9-366 and in the formula for school major maintenance aid under 20-9-525 to the nearest whole number by an amount calculated by the superintendent to result in an increase in the amount of guaranteed tax base aid and school major maintenance aid distributed to eligible counties and school districts equal to 55% of the increase in the calculated amount between the 2 years in the following order, with any amount exceeding the caps under subsections (3)(b)(i) through (3)(b)(iii) flowing to the next mechanism:~~

~~(i) first, the multiplier used in calculating the statewide mill value per elementary and high school ANB for retirement purposes, not to exceed 305%;~~

~~(ii) second, the multiplier used in calculating the amount of state school major maintenance aid support for each dollar of local effort, not to exceed 365%; and~~

~~(iii) third, the multiplier used in calculating the facility guaranteed mill value per ANB for school facility entitlement guaranteed tax base purposes, not to exceed 300%.~~

(c) If the forecasted amount in subsection (3)(a) is greater than the amount determined through the same calculation in the prior fiscal year, the superintendent, using an amount equal to 50% of the forecasted revenue growth up to revenue growth of 105% of the prior fiscal year revenue plus all forecasted revenue growth above 105% of the prior fiscal year revenue, shall:

(i) first increase the multiplier used to calculate statewide mill value per elementary and high school ANB for retirement purposes under 20-9-366, not to exceed 305%, to the nearest whole number determined by the superintendent to result in an increase in the amount of guaranteed tax base aid distributed to eligible counties as close as mathematically possible to the excess amount determined in subsection (3)(c); and

(ii) if there is an excess amount remaining after the 305% cap is hit under subsection (3)(c)(i), then:

(A) the superintendent shall increase the percentages of the basic and per-ANB entitlements in 20-9-306(2)(b) and (3)(a) by whole numbers not to exceed 45.3% and 90% respectively, then the multiplier used to calculate the statewide elementary and high school guaranteed tax base ratios used for funding BASE budgets under 20-9-366 by whole numbers in a manner determined by the superintendent to result in an increase in the amount of guaranteed tax base aid distributed to eligible districts as close as mathematically possible to the excess amount remaining without an increase in the amount of BASE property taxes on a statewide basis; and

(B) in making the calculations under subsection (3)(c)(ii)(A) and in calculating the guaranteed tax base aid ratios under 20-9-366 for the ensuing school fiscal year, the superintendent shall utilize a GTBA budget area for the prior year based on the adjusted percentages of the basic and per-ANB entitlements.

(4) (a) The adjustments to the multipliers *and percentages* under subsection (3) are applicable to state equalization aid distributions in the fiscal year following the adjustment.

(b) Adjustments to the multipliers *and percentages* made under subsection (3) remain in effect in subsequent years unless further changed under 20-9-366 or subsection (3) of this section or as otherwise provided by law."

Section 6. Section 20-9-360, MCA, is amended to read:

"**20-9-360. State equalization aid levy.** ~~Subject to 15-10-420, there~~ *There* is a levy of 40 mills imposed by the county commissioners of each county on all taxable property within the state, except property for which a tax or fee is required under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204. Proceeds of the levy must be remitted to the department of revenue, as provided in 15-1-504, and must be deposited to the credit of the school equalization and property tax reduction account established in 20-9-336 for state equalization aid to the public schools of Montana."

Section 7. Section 20-9-366, MCA, is amended to read:

"**20-9-366. Definitions.** Subject to adjustments pursuant to 20-9-336, as used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new school district under 20-6-326, divided by the district's prior year GTBA budget area.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's prior year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means~~, subject to adjustment under 20-9-336,~~ the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's BASE budget after the following payments are subtracted:

(a) direct state aid;

(b) the total data-for-achievement payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment;

(f) the total American Indian achievement gap payment; and

(g) the state special education allowable cost payment.

(5) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means, subject to adjustment under 20-9-336 *and [section 19]*, the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~254% for fiscal year 2024 and by 259% for fiscal year 2025~~ *262%, subject to adjustment by the superintendent of public instruction pursuant to [section 20], for fiscal year 2026 and by 262% for fiscal year 2027* and each succeeding fiscal year and divided by the prior year statewide GTBA budget area for the state elementary school districts or the state high school districts. ~~For fiscal year 2024 and subsequent fiscal years, the superintendent of public instruction shall increase the multiplier, not to exceed 262%, in this subsection (5)(a) as follows:~~

~~(i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least $1 million more than the revenue transferred in the fiscal year 2 years prior, then:~~

~~(A) multiply the amount of increased revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product by $500,000, and round to the nearest whole number; and~~

~~(B) add the number derived in subsection (5)(a)(i)(A) as a percentage point increase to the multiplier used for the prior fiscal year;~~

~~(ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than $1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to the multiplier used for the prior fiscal year;~~

~~(iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031; and~~

~~(iv) for all multiplier increases under this subsection (5)(a), the calculations are made in the year prior to the year in which the increase to the multiplier takes effect and impacts distribution of guaranteed tax base aid.~~

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means, subject to adjustment under 20-9-336 *and [section 19]*, the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~189%~~ *189%, subject to adjustment by the superintendent of public instruction pursuant to [section 20], for fiscal year 2026 and 189% for fiscal year 2027 and each succeeding fiscal year* and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts."

Section 8. Section 20-9-367, MCA, is amended to read:

"**20-9-367. Eligibility to receive guaranteed tax base aid or state debt service assistance for school facilities.** (1) If the district guaranteed tax base ratio of an elementary or high school district is less than the corresponding statewide elementary or high school guaranteed tax base ratio, the district may receive guaranteed tax base aid based on the number of mills levied in the district in support of ~~up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement, and up to 40% of the special education allowable cost payment budgeted within the general fund budget~~ *the district's GTBA budget area.*

(2) If the county retirement mill value per elementary ANB or the county retirement mill value per high school ANB is less than the corresponding statewide mill value per elementary ANB or high school ANB, the county may

receive guaranteed tax base aid based on the number of mills levied in the county in support of the retirement fund budgets of the respective elementary or high school districts in the county.

(3) For the purposes of 20-9-370 and 20-9-371, if the district mill value per elementary ANB or the district mill value per high school ANB is less than the corresponding statewide mill value per elementary ANB or statewide mill value per high school ANB, the district may receive debt service assistance in the form of a state advance or reimbursement for school facilities in support of the debt service fund."

Section 9. Section 20-9-368, MCA, is amended to read:

"**20-9-368. Amount of guaranteed tax base aid.** (1) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the elementary school districts in the county is the difference between the county mill value per elementary ANB and the statewide mill value per elementary ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the elementary districts in the county.

(2) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the high school districts in the county is the difference between the county mill value per high school ANB and the statewide mill value per high school ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the high school districts in the county.

(3) The amount of guaranteed tax base aid that a district may receive in support of ~~up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted within the general fund budget, and up to 40% of the special education payment~~ *the district's GTBA budget area* is calculated in the following manner:

(a) multiply the sum of the district's prior year GTBA budget area by the corresponding statewide guaranteed tax base ratio;

(b) subtract the prior year taxable valuation of the district from the product obtained in subsection (3)(a); and

(c) divide the remainder by 1,000 to determine the equivalent to the dollar amount of guaranteed tax base aid for each mill levied.

(4) Guaranteed tax base aid provided to any county or district under this section is earmarked to finance the fund or portion of the fund for which it is provided. If a county or district receives more guaranteed tax base aid than it is entitled to, the excess must be returned to the state as required by 20-9-344."

Section 10. Section 20-9-404, MCA, is amended to read:

"**20-9-404. Contracts and bonds for joint construction.** (1) The trustees of a school district may enter into a contract with the trustees of any school district within the county, with any school district in an adjoining county, with the governing body of another political subdivision within the county in which the school district is located, or with the governing body of a political subdivision of a county adjoining the school district to provide for the joint construction of a facility upon terms and conditions mutually agreed upon between the districts.

(2) The trustees of any district executing a contract in accordance with this section may~~, subject to 15-10-420,~~ levy taxes and issue bonds for the purpose of constructing the facilities authorized by this section."

Section 11. Section 20-9-525, MCA, is amended to read:

"**20-9-525. School major maintenance aid account -- formula.** (1) There is a school major maintenance aid account in the state special revenue fund provided for in 17-2-102.

(2) The purpose of the account is to provide, contingent on appropriation from the legislature, funding for school major maintenance aid as provided in subsection (3) for school facility projects, including the payment of principal and interest on obligations issued pursuant to 20-9-471 for school facility projects, that support a basic system of free quality public elementary and secondary schools under 20-9-309, including but not limited to:

(a) improvements to school and student safety and security as described in 20-9-236(1); and

(b) projects designed to produce operational efficiencies such as utility savings, reduced future maintenance costs, improved utilization of staff, and enhanced learning environments for students, including but not limited to projects addressing:

(i) roofing systems;

(ii) heating, air-conditioning, and ventilation systems;

(iii) energy-efficient window and door systems and insulation;

(iv) plumbing systems;

(v) electrical systems and lighting systems;

(vi) information technology infrastructure, including internet connectivity both within and to the school facility; and

(vii) other critical repairs to an existing school facility or facilities.

(3) (a) In any year in which the legislature has appropriated funds for distribution from the school major maintenance aid account, the superintendent of public instruction shall administer the distribution of school major maintenance aid from the school major maintenance aid account for deposit in the subfund of the building reserve fund provided for in 20-9-502(3)(e). Subject to proration under subsection (5) of this section, aid must be annually distributed no later than the last working day of May to a school district imposing a levy pursuant to 20-9-502(3) in the current school fiscal year, with the amount of state support per dollar of local effort of the applicable elementary and high school program of each district determined as follows:

(i) using the taxable valuation most recently determined by the department of revenue under 20-9-369:

(A) divide the total statewide taxable valuation by the statewide total of school major maintenance amounts and~~, subject to adjustment under 20-9-336,~~ multiply the result by 187%;

(B) multiply the result determined under subsection (3)(a)(i)(A) by the district's school major maintenance amount;

(C) subtract the district's taxable valuation from the amount determined under subsection (3)(a)(i)(B); and

(D) divide the amount determined under subsection (3)(a)(i)(C) by 1,000;

(ii) determine the greater of the amount determined in subsection (3)(a)(i) or 18% of the district's mill value;

(iii) multiply the result determined under subsection (3)(a)(ii) by the district's school major maintenance amount, then divide the product by the sum of the result determined under subsection (3)(a)(ii) and the district's mill value; and

(iv) divide the result determined under subsection (3)(a)(iii) by the difference resulting from subtracting the result determined under subsection (3)(a)(iii) from the district's school major maintenance amount.

(b) For a district with an adopted general fund budget in the prior year greater than or equal to 97% of the district's general fund maximum budget in the prior year, the amount determined in subsection (3)(a)(iv) rounded to the nearest cent is the amount of school major maintenance aid per dollar of local

effort, not to exceed an amount that would result in the state aid composing more than 80% of the district's school major maintenance amount.

(c) For a district with an adopted general fund budget in the prior year less than 97% of the district's maximum budget in the prior year, multiply the amount determined in subsection (3)(a)(iv) by the ratio of the district's adopted general fund budget in the prior year to the district's maximum general fund budget in the prior year. The result, rounded to the nearest cent, is the amount of state school major maintenance aid per dollar of local effort, not to exceed an amount that would result in the state aid composing more than 80% of the district's school major maintenance amount.

(4) Using the taxable valuation most recently determined by the department of revenue under 20-9-369, the superintendent shall provide school districts with a preliminary estimated amount of state school major maintenance aid per dollar of local effort for the ensuing school year no later than March 1 and a final amount for the current school year no later than July 31.

(5) If the appropriation from or the available funds in the school major maintenance aid account in any school fiscal year are less than the amount for which school districts would otherwise qualify, the superintendent of public instruction shall proportionally prorate the aid distributed to ensure that the distributions do not exceed the appropriated or available funds.

(6) If in any fiscal year the amount of revenue in the school major maintenance aid account is sufficient to fund school major maintenance aid without a proration reduction pursuant to subsection (5) and if in that same fiscal year the amount of revenue available in the school facility and technology account established in 20-9-516 will result in a proration reduction in debt service assistance pursuant to 20-9-346(2)(b) for that fiscal year, the state treasurer shall transfer any excess funds in the school major maintenance aid account to the school facility and technology account, not to exceed the amount required to avoid a proration reduction.

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

(a) "Local effort" means an amount of money raised by levying no more than 10 mills pursuant to 20-9-502(3) and, provided that 10 mills have been levied, any additional amount of money deposited or transferred by trustees to the subfund pursuant to 20-9-502(3).

(b) "School major maintenance amount" means the sum of $15,000 and the product of $110 multiplied by the district's budgeted ANB for the prior fiscal year."

Section 12. Section 20-9-533, MCA, is amended to read:

"**20-9-533. Technology acquisition and depreciation fund -- limitations.** (1) The trustees of a district may establish a technology acquisition and depreciation fund for school district expenditures incurred for:

(a) the purchase, rental, repair, and maintenance of technological equipment, including computers and computer network access;

(b) cloud computing services for technology infrastructure, platform, software, network, storage, security, data, database, test environment, curriculum, or desktop virtualization purposes, including any subscription or any license-based or pay-per-use service that is accessed over the internet or other remote network to meet the district's information technology and other needs; and

(c) associated technical training for school district personnel.

(2) Any expenditures from the technology acquisition and depreciation fund must be made in accordance with the financial administration requirements for a budgeted fund pursuant to this title. The trustees of a district shall fund the technology acquisition and depreciation fund with:

(a) the state money received under 20-9-534; and

(b) other local, state, private, and federal funds received for the purpose of funding technology or technology-associated training.

(3) In depreciating the technological equipment of a school district for levies approved prior to July 1, 2013, the trustees may include in the district's budget, contingent upon voter approval of a levy under subsection (6) and pursuant to the school budgeting requirements of this title, an amount each fiscal year that does not exceed 20% of the original cost of any technological equipment, including computers and computer network access, that is owned by the district. The amount budgeted pursuant to levies approved prior to July 1, 2013, may not, over time, exceed 150% of the original cost of the equipment.

(4) The annual revenue requirement for each district's technology acquisition and depreciation fund determined within the limitations of this section must be reported by the county superintendent of schools to the board of county commissioners on or before the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values as the technology acquisition and depreciation fund levy requirement for that district, and a levy must be made by the county commissioners in accordance with 20-9-142.

(5) Any expenditure of technology acquisition and depreciation fund money must be within the limitations of the district's final technology acquisition and depreciation fund budget and the school financial administration provisions of this title.

(6) In addition to the funds received pursuant to subsection (2), the trustees of a school district may submit a proposition to the qualified electors of the district to approve an additional levy to fund costs of providing the technologies included in subsection (1). The election must be called and conducted in the manner prescribed by this title for school elections and in the manner prescribed by 15-10-425. A technology levy authorization approved after July 1, 2013, may not exceed 10 years.

(7) The technology proposition is approved if a majority of those electors voting at the election approve the levy. ~~Notwithstanding any other provision of law, the levy under subsection (6) is subject to 15-10-420.~~

(8) A district whose qualified electors have previously approved a technology levy of perpetual duration prior to July 1, 2013, may submit a proposition to the qualified electors on or after July 1, 2013, for an increase in the amount of the levy to cover the costs of providing technologies under subsections (1)(b) and (1)(c) or to seek relief from the obligation of tracking depreciation of equipment under a levy approved prior to July 1, 2013. In seeking approval of the proposition, the district shall specify a proposed revised duration of the underlying perpetual levy previously approved and a proposed duration for the proposed increase in the amount of the levy, neither of which may exceed 10 years. If the proposition is approved by the qualified electors, both the underlying levy previously approved for a perpetual duration and the increase in the amount of the levy are subject to the revised durational limit specified on the ballot.

(9) The trustees of a district may not use revenue in the technology acquisition and depreciation fund to finance contributions to the teachers' retirement system, the public employees' retirement system, or the federal social security system or for unemployment compensation insurance."

Section 13. Section 20-10-141, MCA, is amended to read:

"**20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The mileage rates in subsection (2) for school transportation constitute the maximum reimbursement to districts for school transportation

from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal year. All bus miles traveled on bus routes approved by the county transportation committee are reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school bus when the location is more than 10 miles from the school. A district may approve additional bus or nonbus miles within its own district or approved service area but may not claim reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified driver on a bus route approved by the county transportation committee and the superintendent of public instruction.

(2) *Subject to adjustment by the superintendent of public instruction pursuant to [section 20]:*

(a) ~~The~~ *the* rate for each bus mile traveled must be determined in accordance with the following schedule:

(i) ~~50 cents~~ *50 cents* for a school bus as defined in 20-10-101(5)(a)(ii);

(ii) ~~95 cents~~ *95 cents* for a school bus with a rated capacity of not more than 49 passenger seating positions;

(iii) ~~$1.15~~ *$1.15* for a school bus with a rated capacity of 50 to 59 passenger seating positions;

(iv) ~~$1.36~~ *$1.36* for a school bus with a rated capacity of 60 to 69 passenger seating positions;

(v) ~~$1.57~~ *$1.57* for a school bus with a rated capacity of 70 to 79 passenger seating positions; and

(vi) ~~$1.80~~ *$1.80* for a school bus with 80 or more passenger seating positions.

(b) Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of ~~50 cents~~ *50 cents* a mile.

(3) The rated capacity is the number of passenger seating positions of a school bus as determined under the policy adopted by the board of public education. If modification of a school bus to accommodate pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district for pupil transportation is based on the rated capacity of the bus prior to modification.

(4) The number of pupils riding the school bus may not exceed the passenger seating positions of the bus."

Section 14. Section 20-10-144, MCA, is amended to read:

"**20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget.** Before the second Monday of August, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:

(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate for each bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus

(b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus

(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus

(d) the amount budgeted in the budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or $100, whichever is larger, the contingency amount on the budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus

(e) any estimated costs for transporting a child out of district when the child has mandatory approval to attend school in a district outside the district of residence.

(2) (a) The schedule amount determined in subsection (1) or the total transportation fund budget, whichever is smaller, is divided by ~~2~~ *4* and is used to determine the available state and county revenue to be budgeted on the following basis:

(i) ~~one-half~~ *three-fourths* is the budgeted state transportation reimbursement; and

(ii) ~~one-half~~ *one-fourth* is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of fund balance for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and fund balance reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

(a) anticipated federal money received under the provisions of 20 U.S.C. 7701, et seq., or other anticipated federal money received in lieu of that federal act;

(b) anticipated payments from other districts for providing school bus transportation services for the district;

(c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;

(d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);

(e) anticipated revenue from coal gross proceeds under 15-23-703;

(f) anticipated oil and natural gas production taxes;

(g) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;

(h) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and

(i) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the

trustees from the end-of-the-year fund balance in the transportation fund. The operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.

(4) The district levy requirement for each district's transportation fund must be computed by:

(a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and

(b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).

(5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on or before the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142."

Section 15. Section 20-10-145, MCA, is amended to read:

"**20-10-145. State transportation reimbursement.** (1) A district providing school bus transportation or individual transportation in accordance with this title, board of public education transportation policy, and superintendent of public instruction transportation rules must receive a state reimbursement of its transportation expenditures under the transportation reimbursement rate provisions of 20-10-141 and 20-10-142. The state transportation reimbursement is ~~one-half~~ *three-fourths* of the reimbursement amounts established in 20-10-141 and 20-10-142 or one-half of the district's transportation fund budget, whichever is smaller, and must be computed on the basis of the number of days the transportation services were actually rendered to transport eligible transportees, as defined in 20-10-101, to or from school to participate in the minimum aggregate hours of instruction required pursuant to 20-1-301. In determining the amount of the state transportation reimbursement, an amount claimed by a district may not be considered for reimbursement unless the amount has been paid in the regular manner provided for the payment of other financial obligations of the district.

(2) Requests for the state transportation reimbursement must be made by each district semiannually during the school fiscal year on the claim forms and procedure promulgated by the superintendent of public instruction. The claims for state transportation reimbursements must be routed by the district to the county superintendent, who after reviewing the claims shall send them to the superintendent of public instruction. The superintendent of public instruction shall establish the validity and accuracy of the claims for the state transportation reimbursements by determining compliance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction. After making any necessary adjustments to the claims, the superintendent of public instruction shall order a disbursement from the state money appropriated by the legislature of the state of Montana for the state transportation reimbursement.

(3) The superintendent of public instruction shall make the disbursement to each school district according to the following schedule:

(a) By September 1 of each year, the superintendent of public instruction shall make a payment equal to 50% of the state transportation reimbursement paid to the district in the previous school year.

(b) By March 31 of each year, the superintendent of public instruction shall make a payment to the district equal to the approved amount of state reimbursement for first semester transportation claims less the amount distributed to the district under subsection (3)(a).

(c) By June 30 of each year, the superintendent of public instruction shall make a payment to the district to pay the balance of the approved amount due to the district for first and second semester transportation.

(4) Unless authorized for payment to a school district investment account established under 20-9-235, the payment of all the district's claims within one county must be made to the county treasurer of the county, and the county superintendent shall apportion the payment in accordance with the apportionment order supplied by the superintendent of public instruction.

(5) After adopting a budget amendment for the transportation fund in accordance with 20-9-161 through 20-9-166, the district shall send to the superintendent of public instruction a copy of each new or amended individual transportation contract and each new or amended bus route form to which the budget amendment applies. State reimbursement for the additional obligations must be paid as provided in subsection (1)."

Section 16. Section 20-10-146, MCA, is amended to read:

"**20-10-146. County transportation reimbursement.** (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be ~~the same as~~ *one-third the amount of* the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(v) federal forest reserve funds allocated under the provisions of 17-3-213; and

(vi) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on or before the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements to the superintendent of public instruction on or before September 15. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments."

Section 17. Section 20-25-439, MCA, is amended to read:

"**20-25-439. Vocational-technical education -- mill levy required.** (1) ~~Subject to 15-10-420, the~~ *The* boards of county commissioners of Cascade, Lewis and Clark, Missoula, Silver Bow, and Yellowstone Counties shall in each calendar year levy a tax of 1 1/2 mills on the dollar value of all taxable property, real and personal, located within the respective county.

(2) The funds from the mill levy must be deposited in the general fund and must be distributed for vocational-technical education on the basis of budgets approved by the board of regents."

Section 18. Section 90-6-403, MCA, is amended to read:

"**90-6-403. Jurisdictional revenue disparity -- conditioned exemption and reallocation of certain taxable valuation.** (1) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the board shall promptly notify the developer, all affected local government units, and the department of revenue of the disparity. Except as provided in 90-6-404 and this section, the increase in taxable valuation of the mineral development that occurs after the issuance and validation of a permit under 82-4-335 is not subject to the usual application of county and school district property tax mill levies. This increase in taxable valuation must be allocated to local government units as provided in 90-6-404. The increase in taxable valuation allocated as provided in 90-6-404 is subject to 15-10-420 and the application of property tax mill levies in the local government unit to which it is allocated. The increase in taxable valuation allocated to the local government unit is considered newly taxable property in the recipient local government unit as provided in 15-10-420.

(2) ~~Subject to 15-10-420, the~~ *The* total taxable valuation of a large-scale mineral development remains subject to the statewide mill levies and basic county levies for elementary and high school BASE funding programs as provided in 20-9-331 and 20-9-333.

(3) The provisions of subsection (1) remain in effect until the large-scale mineral development ceases operations or until the existence of the jurisdictional revenue disparity ceases, as determined by the board."

Section 19. Adjustments to guaranteed tax base multipliers and calculations to mitigate impacts of reappraisal on property tax relief. (1) The department of revenue and the office of public instruction shall annually collaborate and jointly assess how reappraisal affects, on a statewide basis, the portions of funding between guaranteed tax base aid and

local property tax responsibilities for the general fund BASE budgets of school districts and the countywide school retirement funds budgets of counties.

(2) After completing the analysis under subsection (1) and by the May 1 deadline for finalizing guaranteed tax base aid ratios under 20-9-369, the office of public instruction shall annually adjust the guaranteed tax base multipliers and calculations outlined in sections 20-9-366 through 20-9-368 to prevent any statewide increase in property taxes due to the combined effects of reappraisal and the standard guaranteed tax base aid formulas for the general fund BASE budgets of school districts and the countywide school retirement funds budgets of counties.

Section 20. School funding adjustments following 2025 legislative session -- duties of superintendent of public instruction and department of revenue. (1) Following the conclusion of the 2025 legislative session and no later than May 15, 2025, the department of revenue shall provide to the superintendent of public instruction an estimate of the revenue in excess of $441.624 million expected to be generated by the county and statewide school equalization levies under 20-9-331, 20-9-333, and 20-9-360 in fiscal year 2026.

(2) If the amount reported under subsection (1) is greater than $0 and less than $24.5 million, the superintendent shall:

(a) leave the guaranteed tax base multipliers under 20-9-366, as amended by [this act], unadjusted; and

(b) increase the school transportation mileage rates in 20-10-141(2)(a) and (2)(b), as amended by [this act], by the same percentage, not to exceed 200%, to rates that result in an increase in the distribution of total state transportation reimbursements to school districts in fiscal year 2026 equal to the amount reported under subsection (1) of this section. Adjustments to the rates made under this subsection (2)(b) remain in effect in subsequent fiscal years.

(3) If the amount reported under subsection (1) is equal to or greater than $24.5 million, the superintendent shall:

(a) increase the school transportation mileage rates pursuant to subsection (2)(b); and

(b) subtract $24.5 million from the amount reported under subsection (1) and use the remainder for the calculations in subsection (4).

(4) Using the amount determined under subsection (3)(b), the superintendent of public instruction shall calculate:

(a) first, an increase in the multiplier used in calculating the statewide mill value per elementary and high school ANB for retirement purposes under 20-9-366, as amended by [this act], for fiscal year 2026 that results in an increase in the amount of guaranteed tax base aid for retirement distributed to counties in fiscal year 2026 that is equal to the amount determined under subsection (3)(b), not to exceed $7.7 million;

(b) then, if money remains, an increase in the multiplier used in calculating the statewide elementary and high school guaranteed tax base ratios used for funding BASE budgets under 20-9-366, as amended by [this act], for fiscal year 2026 that results in an increase in the amount of guaranteed tax base aid distributed to school districts in fiscal year 2026 that is equal to the amount remaining, not to exceed $17.9 million.

Section 21. Codification instruction. [Section 19] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 19].

Section 22. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved, then:

(1) the appropriations for "Transportation Aid" in House Bill No. 2 for fiscal year 2026 and fiscal year 2027 must be increased to align with the adjustments

made to school transportation mileage rates by the superintendent of public instruction under [section 20 of this act] but the increases may not result in a "Transportation Aid" appropriation exceeding $36.5 million for either fiscal year; and

(2) the general fund appropriation for "K-12 BASE Aid" in House Bill No. 2 for fiscal year 2026 must be increased in accordance with the adjustments made by the superintendent of public instruction under [section 20 of this act] but the increase may not exceed $25.6 million.

Section 23. Coordination instruction. If both House Bill No. 156 and [this act] are passed and approved, then:

(1) [sections 8 and 9 of this act], amending 20-9-367 and 20-9-368, terminate June 30, 2026; and

(2) effective July 1, 2026, [section 19(2) of this act] must be replaced with:

"(2) After completing the analysis under subsection (1) and by the May 1 deadline for finalizing guaranteed tax base aid ratios under 20-9-369, the office of public instruction shall annually adjust the guaranteed tax base multipliers and calculations outlined in sections 20-9-366 through 20-9-368 to prevent any statewide increase in property taxes due to the combined effects of reappraisal and the standard guaranteed tax base aid formulas supporting the countywide levy for BASE budget funding support and the countywide school retirement funds budgets of counties."

Section 24. Effective date. [This act] is effective on passage and approval.

Section 25. Applicability. [This act] applies to school district budgeting and funding distributions for school fiscal years beginning on or after July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 659

[HB 545]

AN ACT REVISING LAWS RELATED TO MISSING AND MURDERED INDIGENOUS PERSONS; REVISING THE NAME, MEMBERSHIP, AND DUTIES OF THE MISSING INDIGENOUS PERSONS TASK FORCE; AND AMENDING SECTIONS 5-11-222, 44-2-411, AND 44-2-412, 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 subsections (1)(b) and (5), a report to the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or before September 1 of each year preceding the convening of a regular session of the legislature.

(b) If otherwise specified in law, a report may be required more or less frequently than the biennial requirement in subsection (1)(a).

(2) Reports to the legislature include:

(a) annual reports on the unified investment program for public funds and public retirement systems and state compensation insurance fund assets audits from the board of investments in accordance with Article VIII, section 13, of the Montana constitution;

(b) federal mandates requirements from the governor in accordance with 2-1-407;

(c) activities of the state records committee in accordance with 2-6-1108;

(d) revenue studies from the director of revenue, if requested, in accordance with 2-7-104;

(e) legislative audit reports from the legislative audit division in accordance with 2-8-112 and 23-7-410;

(f) the annual performance report of each department to the appropriate interim budget committee and legislative policy interim committee in accordance with 2-12-105;

(g) progress on gender and racial balance from the governor in accordance with 2-15-108;

(h) a mental health report from the ombudsman in accordance with 2-15-210;

(i) policies related to children and families from the interagency coordinating council for state prevention in accordance with 2-15-225;

(j) watercourse name changes, if any, from the secretary of state in accordance with 2-15-401;

(k) results of programs established in 2-15-3111 through 2-15-3113 from the livestock loss board in accordance with 2-15-3113;

(l) the allocation of space report from the department of administration required in accordance with 2-17-101;

(m) information technology activities in accordance with 2-17-512;

(n) state strategic information technology plan exceptions, if granted, from the department of administration in accordance with 2-17-515;

(o) the state strategic information technology plan and biennial report from the department of administration in accordance with 2-17-521 and 2-17-522;

(p) reports from standing, interim, and administrative committees, if prepared, in accordance with 2-17-825 and 5-5-216;

(q) statistical and other data related to business transacted by the courts from the court administrator, if requested, in accordance with 3-1-702;

(r) the judicial standards commission report in accordance with 3-1-1126;

(s) an annual report on the actual cost of legislation that had a projected fiscal impact from the office of budget and program planning in accordance with 5-4-208;

(t) a link to annual state agency reports on grants awarded in the previous fiscal year established by the legislative finance committee in accordance with 5-12-208;

(u) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in accordance with 5-12-302(4);

(v) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may impair the independence of the legislative audit division in accordance with 5-13-305;

(w) if a waste of state resources occurs, a report from the legislative state auditor, in accordance with 5-13-311;

(x) school funding commission reports each fifth interim in accordance with 5-20-301;

(y) a report of political committee operations conducted on state-owned property, if required, from a political committee to the legislative services division in accordance with 13-37-404;

(z) a report concerning taxable value from the department of revenue in accordance with 15-1-205;

(aa) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;

(bb) semiannual reports on the Montana heritage preservation and development account from the Montana heritage preservation and development commission in accordance with 15-65-121;

(cc) general marijuana regulation reports and medical marijuana registry reports from the department of revenue in accordance with 16-12-110;

(dd) annual reports on general fund and nongeneral fund encumbrances from the department of administration in accordance with 17-1-102;

(ee) loans or loan extensions authorized for two consecutive fiscal years from the department of administration and office of commissioner of higher education, including negative cash balances from the commissioner of higher education, in accordance with 17-2-107;

(ff) a report of local government entities that have balances contrary to limitations provided for in 17-2-302 or that failed to reduce the charge from the department of administration in accordance with 17-2-304;

(gg) an annual report from the board of investments in accordance with 17-5-1650(2);

(hh) a quarterly report from the office of budget and program planning to the legislative finance committee identifying the amount and the type of debt payoff or other expenditure from the debt and liability free account in accordance with 17-6-214;

(ii) a report on retirement system trust investments and benefits from the board of investments in accordance with 17-6-230;

(jj) recommendations for reductions in spending and related analysis, if required, from the office of budget and program planning in accordance with 17-7-140;

(kk) a statewide facility inventory and condition assessment from the department of administration in accordance with 17-7-202;

(ll) actuary reports and investigations for public retirement systems from the public employees' retirement board in accordance with 19-2-405;

(mm) a work report from the public employees' retirement board in accordance with 19-2-407;

(nn) annual actuarial reports and evaluations from the teachers' retirement board in accordance with 19-20-201;

(oo) reports from the state director of K-12 career and vocational and technical education, as requested, in accordance with 20-7-308;

(pp) 5-year state plan for career and technical education reports from the board of regents in accordance with 20-7-330;

(qq) a gifted and talented students report from the office of public instruction in accordance with 20-7-904;

(rr) status changes for at-risk students from the office of public instruction in accordance with 20-9-328;

(ss) status changes for American Indian students from the office of public instruction in accordance with 20-9-330;

(tt) reports regarding the Montana Indian language preservation program from the office of public instruction in accordance with 20-9-537;

(uu) proposals for funding community colleges from the board of regents in accordance with 20-15-309;

(vv) expenditures and activities of the Montana agricultural experiment station and extension service, as requested, in accordance with 20-25-236;

(ww) reports, if requested by the legislature, from the president of each of the units of the higher education system in accordance with 20-25-305;

(xx) reports, if prepared by a public postsecondary institution, regarding free expression activities on campus in accordance with 20-25-1506;

(yy) reports from the Montana historical society trustees in accordance with 22-3-107;

(zz) state lottery reports in accordance with 23-7-202;

(aaa) state fund reports, if required, from the commissioner in accordance with 33-1-115;

(bbb) reports from the department of labor and industry in accordance with 39-6-101;

(ccc) victim unemployment benefits reports from the department of labor and industry in accordance with 39-51-2111;

(ddd) state fund business reports in accordance with 39-71-2363;

(eee) risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;

(fff) child custody reports from the office of the court administrator in accordance with 41-3-1004;

(ggg) reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the governor in accordance with 46-23-316;

(hhh) annual statewide public defender reports from the office of state public defender in accordance with 47-1-125;

(iii) a trauma care system report from the department of public health and human services in accordance with 50-6-402;

(jjj) an annual report on chemical abortion data from the department of public health and human services in accordance with 50-20-709;

(kkk) Montana criminal justice oversight council reports in accordance with 53-1-216;

(lll) medicaid block grant reports from the department of public health and human services in accordance with 53-1-611;

(mmm) reports on the approval and implementation status of medicaid section 1115 waivers in accordance with 53-2-215;

(nnn) provider rate, medicaid waiver, or medicaid state plan change reports from the department of public health and human services in accordance with 53-6-101;

(ooo) medicaid funding reports from the department of public health and human services in accordance with 53-6-110;

(ppp) proposals regarding managed care for medicaid recipients, if required, from the department of public health and human services in accordance with 53-6-116;

(qqq) reports on toxicology and prescription drug registry information from the suicide prevention officer in accordance with 53-21-1101;

(rrr) suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

(sss) annual compliance reports from certifying organizations to the criminal justice oversight council in accordance with 53-24-311;

(ttt) a compliance and inspection report from the department of corrections in accordance with 53-30-604;

(uuu) emergency medical services grants from the department of transportation in accordance with 61-2-109;

(vvv) annual financial reports on the environmental contingency account from the department of environmental quality in accordance with 75-1-1101;

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

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

(yyy) a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-713;

(zzz) state water plans from the department of natural resources and conservation in accordance with 85-1-203;

(aaaa) reports on the allocation of renewable resources grants and loans for emergencies, if required, from the department of natural resources and conservation in accordance with 85-1-605;

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

(cccc) upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-338;

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

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

(ffff) a future fisheries improvement program report from the department of fish, wildlife, and parks in accordance with 87-1-272;

(gggg) license revenue recommendations from the department of fish, wildlife, and parks in accordance with 87-1-629;

(hhhh) reports from the department of fish, wildlife, and parks on conservation licenses sold and revenue received in accordance with 87-2-201;

(iiii) hydrocarbon and geology investigation reports from the bureau of mines and geology in accordance with 90-2-201;

(jjjj) coal ash markets investigation reports from the department of commerce in accordance with 90-2-202;

(kkkk) an annual report from the pacific northwest electric power and conservation planning council in accordance with 90-4-403;

(llll) community property-assessed capital enhancements program reports from the Montana facility finance authority in accordance with 90-4-1303;

(mmmm) veterans' home loan mortgage loan reports from the board of housing in accordance with 90-6-604;

(nnnn) matching infrastructure planning grant awards by the department of commerce in accordance with 90-6-703(3); and

(oooo) Montana coal endowment program reports from the department of commerce in accordance with 90-6-710.

(3) Reports to the legislature include reports made to an interim committee as follows:

(a) reports to the law and justice interim committee, including:

(i) a report on fentanyl-related mandatory minimums from the attorney general in accordance with 2-15-505;

(ii) findings of the domestic violence fatality review commission in accordance with 2-15-2017;

(iii) the report from the missing indigenous persons review commission in accordance with 2-15-2018;

(iv) reports from the department of justice and public safety officer standards and training council in accordance with 2-15-2029;

(v) reports on district court judge caseload and substitutions from the office of court administrator in accordance with 3-1-713;

(vi) information on the Montana False Claims Act from the department of justice in accordance with 17-8-416;

(vii) annual case status reports from the attorney general in accordance with 41-3-210;

(viii) an annual report from the department of public health and human services on the number of referrals to county attorneys pursuant to 41-3-202(1)(b)(i) in accordance with 41-3-211;

(ix) office of court administrator reports in accordance with 41-5-2003;

(x) reports on pending investigations from the public safety officer standards and training council in accordance with 44-4-408;

(xi) statewide public safety communications system activities from the department of justice in accordance with 44-4-1606;

(xii) the annual report on the activities of the sexual assault response network program and the sexual assault response team committee from the department of justice in accordance with 44-4-1705;

(xiii) reports on the status of the crisis intervention team training program from the board of crime control in accordance with 44-7-110;

(xiv) restorative justice grant program status and performance from the board of crime control in accordance with 44-7-302;

(xv) law enforcement agency facial recognition technology use reports from the department of justice in accordance with 44-15-111(3);

(xvi) reports on third-party vendors providing facial recognition services to state agencies reports in accordance with 44-15-111(4)(b);

(xvii) reports on offenders under supervision with new offenses or violations from the department of corrections in accordance with 46-23-1016;

(xviii) supervision responses grid reports from the department of corrections in accordance with 46-23-1028;

(xix) statewide public defender reports and information from the office of state public defender in accordance with 47-1-125;

(xx) every 5 years, a percentage change in public defender funding report from the legislative fiscal analyst in accordance with 47-1-125;

(xxi) every 5 years, statewide public defender reports on the percentage change in funding from the office of state public defender in accordance with 47-1-125; and

(xxii) a report from the quality assurance unit from the department of corrections in accordance with 53-1-211;

(b) reports to the state administration and veterans' affairs interim committee, including:

(i) a report that includes information technology activities and additional information from the information technology board in accordance with 2-17-512 and 2-17-513;

(ii) a report from the capitol complex advisory council in accordance with 2-17-804;

(iii) a report on the employee incentive award program from the department of administration in accordance with 2-18-1103;

(iv) a board of veterans' affairs report in accordance with 10-2-102;

(v) a report on the decennial veterans' long-term care needs study from the department of public health and human services and the Montana veterans' affairs division in accordance with 10-2-903;

(vi) a report on grants to the Montana civil air patrol from the department of military affairs in accordance with 10-3-802;

(vii) annual reports on statewide election security from the secretary of state in accordance with 13-1-205;

(viii) reports on money received in the special account for implementing the Help America Vote Act from the secretary of state in accordance with 13-1-209;

(ix) a report regarding the youth voting program, if requested, from the secretary of state in accordance with 13-22-108;

(x) a report from the commissioner of political practices in accordance with 13-37-120;

(xi) a report on retirement system trust investments from the board of investments in accordance with 17-6-230;

(xii) actuarial valuations and other reports from the public employees' retirement board in accordance with 19-2-405 and 19-3-117;

(xiii) actuarial valuations and other reports from the teachers' retirement board in accordance with 19-20-201 and 19-20-216;

(xiv) a report on the reemployment of retired members of the teachers' retirement system from the teachers' retirement board in accordance with 19-20-732; and

(xv) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the secretary of state in accordance with 30-9A-527;

(c) reports to the children, families, health, and human services interim committee, including:

(i) a report from the department of public health and human services on the programs, grants, and services funded under the healing and ending addiction through recovery and treatment account in 16-12-122;

(ii) Montana foster youth higher education assistance program grant reports from the commissioner of higher education in accordance with 20-26-633;

(iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;

(iv) Montana HELP Act workforce development reports from the department of public health and human services in accordance with 39-12-103;

(v) reports from the department of public health and human services on the department's efforts regarding the volunteer program to support child protective services activities in accordance with 41-3-132;

(vi) annual reports from the child and family ombudsman in accordance with 41-3-1211;

(vii) reports on activities and recommendations on child protective services activities, if required, from the child and family ombudsman in accordance with 41-3-1215;

(viii) reports on the out-of-state placement of high-risk children with multiagency service needs from the department of public health and human services in accordance with 52-2-311;

(ix) private alternative adolescent residential and outdoor programs reports from the department of public health and human services in accordance with 52-2-803;

(x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of public health and human services in accordance with 53-6-101;

(xi) a report from the department of public health and human services on home and community-based services provider information in 53-6-406;

(xii) a report concerning mental health managed care services, if managed care is in place, from the advisory council in accordance with 53-6-710;

(xiii) quarterly medicaid reports related to expansion from the department of public health and human services in accordance with 53-6-1325;

(xiv) annual Montana developmental center reports from the department of public health and human services in accordance with 53-20-225; and

(xv) annual children's mental health outcomes from the department of public health and human services in accordance with 53-21-508;

(xvi) suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

(d) reports to the economic affairs interim committee, including:

(i) the annual state compensation insurance fund budget from the board of directors in accordance with 5-5-223 and 39-71-2363;

(ii) medical marijuana registry reports from the department of revenue in accordance with 16-12-110;

(iii) general marijuana regulation reports from the department of revenue in accordance with 16-12-110(3);

(iv) annual reports on complaints against physicians certifying medical marijuana use from the board of medical examiners in accordance with 16-12-110(6);

(v) an annual report on the administrative rate required from the department of commerce from the Montana heritage preservation and development commission in accordance with 22-3-1002;

(vi) biennial reports from the department of labor and industry on weighing device license fees and cost increases in accordance with 30-12-203;

(vii) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;

(viii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-71-2375;

(ix) annual reinsurance reports from the Montana reinsurance association board required in accordance with 33-22-1308;

(x) reports from the department of labor and industry concerning board attendance in accordance with 37-1-107;

(xi) annual reports on physician complaints related to medical marijuana from the board of medical examiners in accordance with 37-3-203;

(xii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;

(xiii) status reports on the special revenue account and fees charged as a funding source from the board of funeral service in accordance with 37-19-204;

(xiv) unemployment insurance program integrity act reports from the department of labor and industry in accordance with 39-51-706;

(xv) law enforcement agency facial recognition technology use reports from the department of justice in accordance with 44-15-111(3);

(xvi) reports on third-party vendors providing facial recognition services to state agencies reports in accordance with 44-15-111(4)(b);

(xvii) status reports on the distressed wood products industry revolving loan program from the department of commerce in accordance with 90-1-503;

(e) reports to the education interim committee, including:

(i) reemployment of retired teachers, specialists, and administrators reports from the retirement board in accordance with 19-20-732;

(ii) a report on participation in the interstate compact on educational opportunity for military children in accordance with 20-1-231;

(iii) grow your own grant program reports from the commissioner of higher education in accordance with 20-4-601;

(iv) reports on out-of-district attendance from the superintendent of public instruction in accordance with 20-5-324;

(v) reports from the education and workforce data governing board in accordance with 20-7-138;

(vi) state-level strengthening career and technical student organizations program reports from the superintendent of public instruction in accordance with 20-7-320;

(vii) a report from the superintendent of public instruction concerning educational programs for eligible children receiving in-state inpatient treatment of serious emotional disturbances in accordance with 20-7-435;

(viii) reports from the Montana digital academy governing board in accordance with 20-7-1201;

(ix) advanced opportunity program reports from the board of public education in accordance with 20-7-1506;

(x) progress on transformational learning plans from the board of public education in accordance with 20-7-1602;

(xi) reports on early literacy targeted interventions from the superintendent of public instruction in accordance with 20-7-1804;

(xii) budget amendments, if needed, from school districts in accordance with 20-9-161;

(xiii) reports regarding the Montana Indian language preservation program from the office of public instruction in accordance with 20-9-537;

(xiv) annual Montana resident student financial aid program reports from the commissioner of higher education in accordance with 20-26-105;

(xv) Montana foster youth higher education assistance program grant reports from the commissioner of higher education in accordance with 20-26-633;

(xvi) a historic preservation office report from the historic preservation officer in accordance with 22-3-423; and

(xvii) interdisciplinary child information agreement reports from the office of public instruction in accordance with 52-2-211;

(f) reports to the energy and telecommunications interim committee, including:

(i) the high-performance building report from the department of administration in accordance with 17-7-214;

(ii) an annual report from the consumer counsel in accordance with 69-1-222;

(iii) annual universal system benefits reports from utilities, electric cooperatives, and the department of revenue in accordance with 69-8-402;

(iv) small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501; and

(v) geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-1301;

(g) reports to the revenue interim committee, including:

(i) use of the qualified endowment tax credit report from the department of revenue in accordance with 15-1-230;

(ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with 15-7-111;

(iii) information about job growth incentive tax credits from the department of revenue in accordance with 15-30-2361;

(iv) student scholarship contributions from the department of revenue in accordance with 15-30-3112;

(v) media production tax credit economic impact reports from the department of commerce in accordance with 15-31-1011; and

(vi) reports that actual or projected receipts will result in less revenue than estimated from the office of budget and program planning, if necessary, in accordance with 17-7-140;

(h) reports to the transportation interim committee, including:

(i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;

(ii) cooperative agreement negotiations from the department of transportation in accordance with 15-70-450; and

(iii) a special fuels inspection report from the department of transportation in accordance with 61-10-154;

(i) reports to the environmental quality council, including:

(i) compliance and enforcement reports required in accordance with 75-1-314;

(ii) the state solid waste management and resource recovery plan, every 5 years, from the department of environmental quality in accordance with 75-10-111;

(iii) annual orphan share reports from the department of environmental quality in accordance with 75-10-743;

(iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;

(v) annual subdivision sanitation reports from the department of environmental quality in accordance with 76-4-116;

(vi) quarterly reports from the department of environmental quality on the number and percentage of overdue files in accordance with 76-4-116;

(vii) state trust land accessibility reports from the department of natural resources and conservation in accordance with 77-1-820;

(viii) biennial land banking reports and annual state land cabin and home site sales reports from the department of natural resources and conservation in accordance with 77-2-366;

(ix) biennially invasive species reports from the departments of fish, wildlife, and parks and natural resources and conservation in accordance with 80-7-1006;

(x) annual invasive species council reports in accordance with 80-7-1203;

(xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;

(xii) reports from the western Montana conservation commission in accordance with 85-1-904;

(xiii) annual sage grouse population reports from the department of fish, wildlife, and parks in accordance with 87-1-201;

(xiv) annual gray wolf management reports from the department of fish, wildlife, and parks in accordance with 87-1-901;

(xv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in accordance with 87-2-702;

(xvi) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in accordance with 87-5-807; and

(xvii) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;

(j) reports to the water policy interim committee, including:

(i) drought and water supply advisory committee reports in accordance with 2-15-3308;

(ii) total maximum daily load reports from the department of environmental quality in accordance with 75-5-703;

(iii) state water plans from the department of natural resources and conservation in accordance with 85-1-203;

(iv) small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501;

(v) renewable resource grant and loan program reports from the department of natural resources and conservation in accordance with 85-1-621;

(vi) reports from the western Montana conservation commission in accordance with 85-1-904;

(vii) quarterly adjudication reports from the department of natural resources and conservation and the water court in accordance with 85-2-281;

(viii) water reservation reports from the department of natural resources and conservation in accordance with 85-2-316;

(ix) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-436; and

(x) ground water investigation program reports from the bureau of mines and geology in accordance with 85-2-525;

(k) reports to the local government interim committee, including:

(i) reports from the local government center on petitions received that resulted in the development and delivery of training in accordance with 7-1-206;

(ii) sand and gravel, if an investigation is completed, in accordance with 82-2-701;

(iii) assistance to local governments on federal land management proposals from the department of commerce in accordance with 90-1-182; and

(iv) emergency financial assistance to local government reports from the department of commerce, if requests are made, in accordance with 90-6-703(2);

(l) reports to the state-tribal relations committee, including:

(i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;

(ii) the Montana Indian language preservation program report from the office of public instruction in accordance with 20-9-537;

(iii) reports from the missing *and murdered* indigenous persons ~~task force~~ *advisory council* in accordance with 44-2-411;

(iv) a report from the department of justice on missing persons response team training grants awarded in accordance with 44-2-416;

(v) state-tribal economic development commission activities reports from the state-tribal economic development commission in accordance with 90-1-132; and

(vi) state-tribal economic development commission reports provided regularly by the state director of Indian affairs in accordance with 90-11-102.

(4) Reports to the legislature include multistate compact and agreement reports, including:

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Section 44-2-411, MCA, is amended to read:

"**44-2-411. (Temporary) Missing *and murdered* indigenous persons ~~task force~~ *advisory council* -- membership -- duties -- reporting.** (1) There is a missing *and murdered* indigenous persons ~~task force~~ *advisory council*. The ~~task force~~ *advisory council* is allocated to the department of justice for staffing services and administrative purposes only.

(2) ~~Task force~~ *Advisory council* members, including the presiding officer, must be appointed by the attorney general or a designee of the attorney general. The ~~task force~~ *advisory council* membership must include but is not limited to:

(a) an employee of the department of justice who has expertise in the subject of missing persons;

(b) a representative from each federally recognized Indian tribe in Montana;

(c) a ~~member from the Montana highway patrol~~ *homicide investigator*;

(d) a representative from the attorney general's office; and

(e) a representative from the office of public instruction.

(3) While respecting the government-to-government relationship between the state and each tribe, the primary duties of the ~~task force~~ *advisory council* are to:

(a) identify jurisdictional barriers between federal, state, local, and tribal law enforcement and community agencies;

(b) work to identify causes that contribute to missing and murdered indigenous persons and make recommendations to federally recognized tribes in the state *and applicable federal agencies* to reduce cases of missing and murdered indigenous persons;

(c) work to identify strategies to improve interagency communication, cooperation, and collaboration to remove jurisdictional barriers and increase reporting and investigation of missing *and murdered* indigenous persons; and

(d) administer the looping in native communities network grant program provided for in 44-2-412.

(4) A vacancy on the ~~task force~~ *advisory council* must be filled in the manner of the original appointment.

(5) By July 1 prior to each regular legislative session, the ~~task force~~ *advisory council* shall, in accordance with 5-11-210, prepare a written report of findings and recommendations for submission to the state-tribal relations committee provided for in 5-5-229. The report must include the following information:

(a) the number of unique individuals reported to the missing and murdered indigenous persons database;

(b) the number of unique individuals recovered as a result of the missing and murdered indigenous persons database;

(c) the number of unique individuals recovered as a result of the looping in native communities network grant program;

(d) the number of unique individuals searched for and recovered as a result of missing persons response teams;

(e) the number of missing persons entries into the missing and murdered indigenous persons database by year;

(f) an analysis by year of the characteristics of missing indigenous persons, including but not limited to age, gender, child protective services involvement status, foster case status, duration of time missing, and estimated related cause;

(g) the number of actively missing indigenous persons by year;

(h) a description and the results of any noncompetitive grant awardee activities;

(i) a description of the activities and progress related to improving interagency communication, cooperation, and collaboration and removing interjurisdictional barriers; and

(j) any other information the ~~task force~~ *advisory council* members find relevant to the ~~task force's~~ *advisory council's* mission.

(6) In addition to the recommendations to federally recognized tribes in the state required under subsection (3)(b), the ~~task force~~ *advisory council* may

make recommendations to federal, state, and local agencies in carrying out the ~~task force's~~ *advisory council's* duties. (Terminates June 30, 2033--sec. 2, Ch. 624, L. 2023, sec. 3, Ch. 624, L. 2023, sec. 4, Ch. 624, L. 2023.)"

Section 3. Section 44-2-412, MCA, is amended to read:

"**44-2-412. (Temporary) Looping in native communities network grant program.** (1) There is a looping in native communities network grant program. The program is established to create a network in support of efforts by Montana tribes to identify, report, and find Native American persons who are missing. The grant program is administered by the missing *and murdered* indigenous persons ~~task force~~ *advisory council* established in 44-2-411.

(2) The grant program includes a competitive grant to be awarded to a tribal entity to create and administer a central administration point for the looping in native communities network. The missing *and murdered* indigenous persons ~~task force~~ *advisory council* shall develop the application and the criteria to award the grant to a tribal entity. The criteria must include:

(a) policies and standards for technology and equipment, including data storage and security of information entered into the network;

(b) standards for data verification;

(c) job qualifications and requirements for a data specialist to administer the network;

(d) development of a system to provide automatic initial alerts to law enforcement agencies and tribal and community organizations when a missing indigenous person report is made, including determining which law enforcement agencies will receive the automatic initial alert;

(e) development of a standard reporting form that includes space to provide the information specified in subsection (4) to be used by the data specialist; and

(f) administrative rights for a designee at each participating tribal agency.

(3) The grant program may include additional smaller, noncompetitive grants to be awarded to a qualifying tribal agency at each reservation that submits a complete application. The purpose of the grants awarded under this subsection is to provide matching funds for some or all of the costs required for the tribal agency to set up and maintain access to the looping in native communities network.

(4) The standard reporting form required under subsection (2)(e) must allow a data specialist to enter information about the missing indigenous person, including but not limited to the missing person's:

(a) name and any aliases or nicknames;

(b) gender, age, height, weight, and other physical descriptive characteristics;

(c) last known location and related information, including the date of last contact with the missing indigenous person and the person with whom the missing indigenous person last made contact; and

(d) photographs, including photographs obtained from an online or social media profile. (Terminates June 30, 2033--sec. 2, Ch. 624, L. 2023, sec. 3, Ch. 624, L. 2023.)"

Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 5. Coordination instruction. If both House Bill No. 83 and [this act] are passed and approved, then [section 1 of House Bill No. 83] must read as follows:

"**Section 1. Missing and murdered indigenous persons advisory council account -- audit.** (1) There is a missing and murdered indigenous persons advisory council account in the state special revenue fund established in 17-2-102. The account is administered by the department of justice.

(2) Money transferred from any lawful source, including but not limited to gifts, grants, donations, securities, and other assets, public or private, may be deposited in the account.

(3) Money deposited in the account must be used pursuant to 44-2-411 and is subject to audits as required by Title 5, chapter 13, part 3.

(4) Funds deposited in the account each year must be used by the department only for allowable costs as determined by the department and approved by the missing and murdered indigenous persons advisory council.

(5) Interest and income earned on the account and any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account."

Section 6. Coordination instruction. If both House Bill No. 83 and [this act] are passed and approved, then [section 2 of House Bill No. 83] must read as follows:

"*NEW SECTION.* **Section 2. Appropriation.** There is appropriated $1 from the missing and murdered indigenous persons advisory council account established in [section 1] to the department of justice for the biennium beginning July 1, 2025, for the purposes described in 44-2-411."

Approved May 12, 2025

CHAPTER NO. 660

[HB 627]

AN ACT REVISING PROCUREMENT REPORTING REQUIREMENTS; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO PROVIDE CERTAIN REPORTS TO THE LEGISLATIVE FINANCE COMMITTEE ON PROCUREMENT SOLICITATIONS, CONTRACTS, AND CONTRACT MODIFICATIONS; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

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

Section 1. Report to interim committee. (1) By March 1, June 1, September 1, and December 1 of each year, the department shall provide a written report to the legislative finance committee in accordance with 5-11-210 containing the information listed in subsection (2) that is related to procurement solicitations and contracts and is available to the department in the department's information technology resources.

(2) The report must include:

(a) for a procurement solicitation for a contract that the department anticipates will cost at least $200,000 over the life of the contract:

(i) the name of each purchasing agency issuing the solicitation;

(ii) what the purchasing agency intends to procure through the solicitation;

(iii) the closing date of the solicitation; and

(iv) any other information the department finds relevant to the proposal;

(b) for a contract executed with or without a solicitation that is expected to cost $200,000 or more over the life of the contract:

(i) the names of the purchasing agency; and

(ii) the contractor and the date of execution; and

(c) for a contract modification that causes the total value of a contract to exceed $200,000 over the life of the contract:

(i) the names of the purchasing agency; and

(ii) the contractor and the date of execution.

(3) By February 15, May 15, August 15, and November 15 of each year, each governmental body shall submit the information listed in subsection (2) related to procurement solicitations and contracts to the department using the information technology resources specified by the department.

Section 2. Report to interim committee. (1) By March 1, June 1, September 1, and December 1 of each year, the department shall provide a written report to the legislative finance committee in accordance with 5-11-210 containing the information listed in subsection (2) related to procurement solicitations and contracts.

(2) The report must include:

(a) for a procurement solicitation for a contract that the department anticipates will cost at least $200,000 over the life of the contract:

(i) the name of each purchasing agency issuing the solicitation;

(ii) what the purchasing agency intends to procure through the solicitation;

(iii) the portion of the purchasing agency's appropriation that it intends to use to pay the vendor;

(iv) the closing date of the solicitation; and

(v) any other information the department finds relevant to the proposal;

(b) for a contract executed with or without a solicitation that is expected to cost $200,000 or more over the life of the contract:

(i) the names of the purchasing agency; and

(ii) the contractor and the date of execution; and

(c) for a contract modification that causes the total value of a contract to exceed $200,000 over the life of the contract:

(i) the names of the purchasing agency; and

(ii) the contractor and the date of execution.

(3) By February 15, May 15, August 15, and November 15 of each year, each governmental body shall submit the information listed in subsection (2) related to procurement solicitations and contracts to the department using the information technology resources specified by the department.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 18, chapter 4, part 1, and the provisions of Title 18, chapter 4, part 1, apply to [sections 1 and 2].

Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2025.

(2) [Section 2] is effective July 1, 2026.

Section 5. Termination. [Section 1] terminates June 30, 2026.

Approved May 12, 2025

CHAPTER NO. 661

[HB 692]

AN ACT GENERALLY REVISING THE SMART ACT; REQUIRING DEPARTMENTS TO PROVIDE ANNUAL PLANS EACH YEAR; REQUIRING DEPARTMENTS TO INCLUDE PROGRAM-LEVEL INITIATIVES IN THE REPORT; AMENDING SECTION 2-12-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 2-12-104, MCA, is amended to read:

"**2-12-104. Annual plan.** (1) Each department shall produce an annual plan no later than September 1, 2023.

(2) Each department shall publish a subsequent annual plan no later than September 1 ~~every 2 years afterward~~ *each year*.

(3) At a minimum, an annual plan must include the following components:

(a) a description of the functions and divisions of the department, including a discussion of the department's priorities;

(b) initiatives of the department *for each program, as that term is used in 17-7-111,* that reflect the benefits and outcomes the department expects to achieve on behalf of the public or specific groups through its divisions; and

(c) specific and measurable performance measures for its initiatives, including the preferred outcomes and outputs with respect to each initiative.

(4) Performance measures must:

(a) be tracked on an ongoing basis;

(b) assess a department's preferred outcomes and outputs;

(c) be quantitative when possible; and

(d) be designed to provide meaningful and useful information to policymakers and the public.

(5) The annual plan adopted by a department must be posted on the websites of the department."

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

Approved May 12, 2025

CHAPTER NO. 662

[HB 940]

AN ACT PROHIBITING OVERNIGHT CAMPING AND STORAGE OF PERSONAL PROPERTY ON A STATE HIGHWAY RIGHT-OF-WAY; PROVIDING PENALTIES; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Camping" means the use of outdoor property for the purpose of habitation, including sleeping, sitting, or lying.

(2) "Campsite" means an area being used for camping that may contain but is not limited to tents, huts, temporary shelters, tarps, cots, sleeping bags, mattresses, hammocks, cooking equipment, or any other personal property.

(3) "Overnight camping" means camping or maintaining any form of campsite between dusk and dawn.

(4) "State highway right-of-way" means the entire width of land acquired, dedicated, or reserved for public road purposes, including but not limited to a roadway, shoulder, median, ditch, embankment, retaining wall, culvert, sluice, bridge, tunnel, or an adjacent public space maintained by the department.

(5) "Storage" means the act of leaving personal property unattended for any period of time.

Section 2. Overnight camping and storage of personal property on state highway right-of-way prohibited. (1) Overnight camping and the storage of personal property are prohibited on a state highway right-of-way.

(2) The prohibition provided in subsection (1) does not apply to:

(a) emergency situations in which camping is necessary for safety and temporary shelter, as determined by law enforcement or the department;

(b) an authorized work crew, contractor, or other personnel performing duties on behalf of the department or other government agencies; and

(c) a designated rest area, parking area, or pullout specifically authorized for temporary parking and rest in compliance with department rule, not to exceed 24 hours.

Section 3. Enforcement and penalties. (1) The department and law enforcement, including the Montana highway patrol and local law enforcement agencies, are empowered to provide notices and otherwise enforce [sections 1 through 4] and rules adopted pursuant to [section 4].

(2) (a) A person who violates the provisions of [section 2] may be given written notice to vacate the state highway right-of-way and to remove the campsite and all personal property within 72 hours.

(b) Failure to comply with a written notice shall result in a civil fine not to exceed $50. All remaining personal property reasonably associated with the person notified may be disposed of by law enforcement or the department.

(3) Personal property not subject to notice under subsection (2) and left unattended in the state highway right-of-way may be disposed of by law enforcement or the department in the following manner:

(a) Law enforcement or the department shall post notice at the state highway right-of-way location that the personal property located within the area described in the notice must be permanently removed by the date stated in the notice, which may not be less than 120 hours from the time the notice is posted.

(b) After the conclusion of 120 hours from the time the notice is posted, personal property remaining on a state highway right-of-way within the area described in the notice may be disposed of by law enforcement or the department.

(4) The provisions of [sections 3 and 4] do not limit or prevent any other available civil or criminal cause of action or remedy.

Section 4. Rulemaking authority. The department may adopt rules necessary to implement [sections 1 through 4] regarding:

(1) camping and personal property storage in a state highway right-of-way; and

(2) enforcement of [sections 1 through 4], including but not limited to provisions for recovering fines, cleanup costs, and legal costs against violators and those responsible for violations of [sections 1 through 4].

Section 5. Appropriation. There is appropriated $15,000 from the highway restricted account established in 15-70-126 to the department of transportation for the biennium beginning July 1, 2025, for the purposes of implementing the provisions of [sections 1 through 4].

Section 6. Codification instruction. [Sections 1 through 4] are intended to be codified as a new part in Title 60, chapter 6, and the provisions of Title 60, chapter 6, apply to [sections 1 through 4].

Section 7. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 5] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 663

[HB 953]

AN ACT GENERALLY REVISING MEDICAID LAWS RELATED TO DIRECT PRIMARY CARE; ALLOWING FOR COVERAGE OF DIRECT PRIMARY

CARE CONTRACTS UNDER THE MONTANA MEDICAID PROGRAM; PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM REQUIRING A MEDICAID ENROLLEE TO PARTICIPATE IN A PRIMARY CARE CASE MANAGEMENT SERVICE IF THE ENROLLEE ENTERS INTO A DIRECT PRIMARY CARE CONTRACT; PROVIDING A DEFINITION OF DIRECT PRIMARY CARE CONTRACT; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-6-101, 53-6-116, AND 53-6-124, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 53-6-101, MCA, is amended to read:

"**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;

(d) skilled nursing services in long-term care facilities;

(e) physicians' services;

(f) nurse specialist services;

(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);

(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;

(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department;

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);

(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;

(n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103;

(o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.;

(p) fertility preservation services in accordance with 33-22-2103; and

(q) planned home births for women with a low risk of adverse birth outcomes, as established by the appropriate licensing board, that are attended by certified nurse-midwives licensed under Title 37, chapter 8, or direct-entry midwives licensed under Title 37, chapter 27. Coverage under this section includes prenatal care and postpartum care.

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services[, including services provided by pediatric complex care assistants licensed pursuant to 37-2-603];

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of clinical professional counselors licensed under Title 37, chapter 39;

(m) services of a marriage and family therapist licensed under Title 37, chapter 39;

(n) hospice care, as defined in 42 U.S.C. 1396d(o);

(o) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;

(p) services of psychologists licensed under Title 37, chapter 17;

(q) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;

(r) services of behavioral health peer support specialists certified under Title 37, chapter 39, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102;

(s) direct patient care agreements, as provided for in 50-4-107; and

~~(s)~~*(t)* any additional medical service or aid allowable under or provided by the federal Social Security Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through ~~(4)(s)~~ *(4)(t)* that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department shall report this information to the following committees:

(i) the children, families, health, and human services interim committee;

(ii) the legislative finance committee; and

(iii) the health and human services budget committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2025--sec. 1, Ch. 298, L. 2023; bracketed language in subsection (4)(b) terminates June 30, 2031--sec. 10, Ch. 628, L. 2023.)"

Section 2. Section 53-6-116, MCA, is amended to read:

"**53-6-116. Medicaid managed care -- capitated health care.** (1) The department of public health and human services, in its discretion, may develop managed care and capitated health care systems for medicaid recipients.

(2) The department may contract with one or more persons for the management of comprehensive physical health services and the management of comprehensive mental health services for medicaid recipients. The department may contract for the provision of these services by means of a fixed monetary or capitated amount for each recipient.

(3) A managed care system is a program organized to serve the medical needs of medicaid recipients in an efficient and cost-effective manner by managing the receipt of medical services for a geographical or otherwise defined population of recipients through appropriate health care professionals.

(4) The provision of medicaid services through managed care and capitated health care systems is not subject to the limitations provided in 53-6-104. The managed care or capitated health care system that is provided to a defined population of recipients may be based on one or more of the medical assistance services provided for in 53-6-101.

(5) The proposed systems, referred to in subsection (1), must be submitted to the legislative finance committee. The legislative finance committee shall review the proposed systems at its next regularly scheduled meeting and shall provide any comments concerning the proposed systems to the department. The department shall provide a copy of any reports made to the legislative finance committee concerning the proposed systems to the legislature in accordance with 5-11-210.

(6) A managed care or capitated health care system, except for a primary care case management service, that requires for implementation a waiver from the centers for medicare and medicaid is subject to the provisions of Title 53, chapter 6, part 7.

(7) The department may not require an enrollee to participate in a primary care case management service if the enrollee enters into a direct patient care agreement pursuant to 50-4-107."

Section 3. Section 53-6-124, MCA, is amended to read:

"**53-6-124. Definitions.** As used in *53-6-101, 53-6-116,* 53-6-125, 53-6-127, and this section, the following definitions apply:

(1) "Conversion factor" means the dollar value that is multiplied by the appropriate relative value unit to calculate a price for a service provided by a physician.

(2) "Department" means the department of public health and human services.

(3) "Direct patient care agreement" means an agreement for health care services as provided for in 50-4-107.

~~(3)~~*(4)* "Medicaid" means the Montana medical assistance program established under Title 53, chapter 6.

~~(4)~~*(5)* "Physician" has the meaning provided in 37-3-102.

~~(5)~~*(6)* "Policy adjuster" means a factor by which the fee determined under 53-6-125 is multiplied to increase the fee paid by medicaid for certain categories of services.

~~(6)~~*(7)* "Relative value unit" means a numerical value assigned in the resource-based relative value scale to each procedure code used to bill for services provided by a physician.

~~(7)~~*(8)* "Resource-based relative value scale" means the medicare resource-based relative value scale contained in the physician's medicare fee schedule adopted by the centers for medicare and medicaid services of the U.S. department of health and human services."

Section 4. Appropriation. There is appropriated $5,000 from the general fund to the department of public health and human services for the biennium beginning July 1, 2025, for the purposes of implementing [this act].

Section 5. Effective date. [This act] is effective July 1, 2025.

Approved May 12, 2025

CHAPTER NO. 664

[HB 9]

AN ACT ESTABLISHING PRIORITIES FOR CULTURAL AND AESTHETIC PROJECTS GRANT AWARDS; APPROPRIATING MONEY FOR CULTURAL AND AESTHETIC GRANTS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Appropriation of cultural and aesthetic grant funds -- priority of disbursement. (1) The Montana arts council shall award grants for projects authorized by and limited to the amounts appropriated by [section 2] and this section.

(2) The Montana arts council shall disburse money to projects authorized by [section 2] through grant contracts between the Montana arts council and the grant recipient. The award contract with a grantee must require the grantee to post the following statement on its website, promotional materials, and publications: "Additional support from coal tax placed into Montana's Cultural and Aesthetic Projects Trust Fund." The award contract must bind the parties to conditions, if any, listed with the appropriation in [section 2].

(3) There is appropriated $30,000 from the cultural and aesthetic projects trust fund account to the Montana historical society for the biennium ending June 30, 2027, for the care and conservation of capitol complex artwork.

Section 2. Appropriation of cultural and aesthetic grant funds. The following projects are approved, and $953,500 is appropriated from the cultural and aesthetic projects trust fund account to the Montana arts council for the biennium ending June 30, 2027:

Grant #	Grantee	Award Amount
	Special Projects	
2601	Billings Preservation Society	$12,500
2602	Chickadee Community Services	$20,160
2604	Great Falls Public Library	$19,660
2605	International Choral Festival	$20,160
2606	Mission Valley Live	$0
2607	Montana Jewish Project	$20,160
2608	The Extreme History Project	$2,000
2609	Working Quiet	$20,160

	Operating Support	
2612	Alpine Theatre Project	$20,660
2613	Archie Bray Foundation	$19,660
2614	Art Mobile of Montana	$2,000
2615	Arts Missoula	$19,660
2616	Bare Bait Dance	$19,660
2619	Bozeman Art Museum	$2,000
2620	Bozeman Symphony Society	$19,660
2622	C.M. Russell Museum	$2,000
2623	Carbon County Arts Guild & Depot Gallery	$20,660
2624	Carbon County Historical Society	$20,660
2625	Clay Studio of Missoula	$19,660
2630	Great Falls Symphony	$19,660
2631	Hamilton Players, Inc	$20,160
2632	Helena Symphony	$2,000
2633	Hockaday Museum of Art	$19,660
2634	Holter Museum of Art	$19,660
2635	Humanities Montana	$20,160
2637	MAGDA (Montana Art Gallery Directors Assoc.)	$20,660
2638	Mai Wah Society Museum	$20,160
2639	MAPS Media Institute	$20,160
2640	MCT, Inc.	$19,660
2641	Missoula Art Museum	$19,660
2642	Missoula Symphony Association	$19,660
2643	Missoula Writing Collaborative	$19,660
2644	MonDak Heritage Center	$20,660
2645	Montana Association of Symphony Orchestras	$20,660
2646	Montana Ballet Company	$19,660
2647	Montana Dance Arts Association	$2,000
2648	Montana Performing Arts Consortium	$20,660
2649	Montana Playwrights Network	$20,160
2651	Montana Shakespeare in the Parks	$19,660
2652	Montana Youth Symphony	$20,160
2653	North Valley Music School	$2,000
2655	Paris Gibson Square Museum of Art	$19,660
2657	Pondera Arts Council	$2,000
2660	Schoolhouse History & Art Center	$20,660
2661	St. Timothy's Summer Music Festival	$12,160
2662	Stillwater Historical Society	$20,660
2663	Stumptown Art Studio	$19,660
2664	Sunburst Arts and Education	$20,660
2665	The Myrna Loy	$19,660
2666	The Paradise Center	$20,660
2667	The Roxy Theater	$19,660
2668	Tinworks Art	$19,660
2669	Verge Theater	$19,660
2670	Western Heritage Center	$12,500
2671	Whitefish Review, Inc.	$2,000
2672	Whitefish Theatre Co.	$2,000
2673	Zootown Arts Community Center	$19,660
	Capital Expenditures	
2674	Fort Peck Fine Arts Council, Inc.	$20,160
2675	Red Lodge Area Community Foundation	$20,160
2676	Yellowstone Art Museum	$19,660

Section 3. Reversion of grant money. On July 1, 2027, the unencumbered balance of the grants for the biennium ending June 30, 2027, reverts to the cultural and aesthetic projects trust fund account provided for in 15-35-108.

Section 4. Changes to grants on pro rata basis. Except for the appropriation provided for in [section 1(3)], if money in the cultural and aesthetic projects trust fund account is insufficient to fund projects at the appropriation levels contained in [section 2], reductions to those projects with funding greater than $2,000 must be made on a pro rata basis.

Section 5. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 665

[HB 10]

AN ACT REVISING LAWS RELATED TO INFORMATION TECHNOLOGY CAPITAL PROJECTS; APPROPRIATING MONEY FOR INFORMATION TECHNOLOGY CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2027; PROVIDING FOR MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE LONG-RANGE INFORMATION TECHNOLOGY PROGRAM ACCOUNT; PROVIDING FOR THE ACQUISITION, IMPLEMENTATION, AND CONFIGURATION OF NEW INFORMATION TECHNOLOGY SYSTEMS; PROMOTING STATEWIDE NETWORKS EFFICIENCIES; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Definitions. For the purposes of [this act], the following definitions apply:

(1) "Chief information officer" has the meaning provided in 2-17-506.

(2) "Information technology resource" has the meaning provided in 2-17-506.

(3) "Information technology capital project" means a group of interrelated information technology activities that are planned and executed in a structured sequence to create a unique product or service.

(4) "LRITP" means the long-range information technology program account in the capital projects fund type.

Section 2. Appropriations and authorizations. (1) (a) All business application systems funded under this section must have a plan approved by the chief information officer for the system design, implementation, and security of the data associated with the system.

(b) The security aspects of the plan must address but are not limited to the following:

(i) the authentication and granting of system privileges;

(ii) safeguards against unauthorized access to or disclosure of sensitive information; and

(iii) consistent with state records retention policies, plans for the removal of sensitive data from the system when it is no longer needed.

(c) It is the intent of this subsection (1) that specific consideration be given to the potential sharing of data with other state agencies in the design, definition, creation, storage, and security of the data.

(2) Funds may not be released for a project until the chief information officer and the budget director approve the plans described in subsection (1) and

review and approve results from requests for proposals or similar procurement procedures and contract documents.

(3) The following money is appropriated to the department of administration to be used only for listed information technology capital projects:

Agency/Project	LRITP	State Special Revenue	Federal Special Revenue	Proprietary	Total
DEPARTMENT OF ADMINISTRATION (DOA)					
Projects include Enterprise Financial Warehouse, Enterprise Data Catalog, Recruiting and Onboarding Modernization, eMACS/Jaegger Replacement, Cybersecurity Enhancements, eGov Modernization, Infrastructure Upgrades and Expansion, Web Site Improvements (my.mt.gov and Prosperity Portal), Artificial Intelligence and Legacy System Modernization (Technical Debt Relief Fund), Contact Center Technology Replacement, and 508 Compliance (Web Content Accessibility Rule). Combined costs for these projects are:					
	21,753,700				21,753,700
DEPARTMENT OF CORRECTIONS					
The projects are Comprehensive Safety and Surveillance, Improvements and MCE/Warehouse/Maintenance Enterprise Operations System.					
	3,111,000				3,111,000
OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION					
Projects include CyberMontana (Security Operations Center, Workforce Training Programs, Cyber Policy Clinic), Security Information and Event Management (SIEM), Enterprise Resource Planning and System Replacement (combined appropriation for Miles Community College, Flathead Valley Community College, and Dawson Community College). Combined costs for these projects are:					
	5,018,360				5,018,360
HISTORICAL SOCIETY					
The project is Museum Systems Operations and Management.					
	947,500				947,500
JUDICIAL					
The project is Courts Electronic Filing System Architecture and Cybersecurity Refresh.					
	1,475,000				1,475,000
DEPARTMENT OF NATURAL RESOURCES and CONSERVATION					
Projects include Water Rights Information System Rewrite, GIS Migration, and Licensing and Permitting System Replacement. Combined costs for these projects are:					
	4,890,000				4,890,000
OFFICE OF THE STATE PUBLIC DEFENDER					
The project is Statewide Courthouse Wi-Fi.					
	124,135				124,135
DEPARTMENT OF PUBLIC HEALTH and HUMAN SERVICES					
Projects include Child and Family Services Division -- Comprehensive Child Welfare Information System Independent Verification and Validation Services, Child Support Services Division -- State Directory of New Hires, Child and Family Services Division -- Montana Child Support Enforcement Automated System Replacement Independent Verification and Validation Services, Human and Community Services Division -- Secure Data Connections for Montana Benefit Programs, Human and Community Services Division -- Public Benefits System Efficiency Modernization, Human and Community Services Division -- Improving Timeliness of Public Benefit Recipient Notifications, and Senior					

and Long-Term Care Division -- Legacy System Replacements. Combined costs for these projects are:

1,830,651	6,065,155	7,895,806

DEPARTMENT OF REVENUE

The project is GenTax to AWS Hosted Environment

500,000	500,000

DEPARTMENT OF TRANSPORTATION

Projects include Advanced Transportation Management System and Motor Fuels System. Combined costs for these projects are:

7,500,000	7,500,000

Section 3. Transfer of funds. The state treasurer shall transfer $38,702,846 from the general fund to the LRITP on an as-needed basis by June 30, 2027.

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 666

[HB 11]

AN ACT APPROPRIATING MONEY FROM THE MONTANA COAL ENDOWMENT SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF COMMERCE FOR INFRASTRUCTURE PROJECTS, EMERGENCY GRANTS FOR FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS, AND INFRASTRUCTURE PLANNING GRANTS; AUTHORIZING GRANTS FROM THE MONTANA COAL ENDOWMENT SPECIAL REVENUE ACCOUNT; PLACING CONDITIONS ON GRANTS AND FUNDS; APPROPRIATING MONEY FROM THE MONTANA COAL ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER SYSTEM PROJECTS; PROVIDING APPROPRIATIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Appropriation for Montana coal endowment program grants. (1) There is appropriated $20,287,391 from the Montana coal endowment special revenue account established in 17-5-703(3)(a) to the department of commerce for the biennium beginning July 1, 2025, to finance Montana coal endowment program grants authorized by subsection (2).

(2) The following applicants and projects are authorized for grants and listed in the order of their priority:

Infrastructure Applicant (project type)		Grant Amount
1.	Hysham, Town of (water)	$750,000
2.	Roundup, City of (wastewater)	$750,000
3.	Twin Bridges, Town of (water)	$750,000
4.	Harrison Water and Sewer District (wastewater)	$750,000
5.	Wolf Point, City of (wastewater)	$625,000
6.	Dutton, Town of (water)	$750,000

7.	Alder County Water and Sewer District (wastewater)	$750,000
8.	Shelby, City of (wastewater)	$375,000
9.	Red Lodge, City of (wastewater)	$500,000
10.	White Sulphur Springs, City of (water)	$625,000
11.	South Wind Crosswinds Community Water and Sewer District (water and wastewater)	$750,000
12.	Circle, Town of (water)	$750,000
13.	Arlee/Lake County Water and Sewer (wastewater)	$327,500
14.	Deer Lodge, City of (wastewater)	$439,000
15.	Willow Creek Sewer District (wastewater)	$750,000
16.	Hinsdale County Water and Sewer (water)	$500,000
17.	Fairfield, Town of (water)	$500,000
18.	Darby, Town of (wastewater)	$750,000
19.	Joliet, Town of (wastewater)	$625,000
20.	Ronan, City of (wastewater)	$750,000
21.	Bigfork County Water and Sewer (water)	$500,000
22.	Richey, Town of (water)	$500,000
23.	Malta, City of (water)	$500,000
24.	Big Timber, City of (water)	$500,000
25.	St. Ignatius, Town of (wastewater)	$750,000
26.	Ennis, Town of (water)	$500,000
27.	Pinesdale, Town of (water)	$750,000
28.	Basin County Water and/or Sewer (water)	$500,000
29.	Martinsdale Water and Sewer District (water)	$750,000
30.	Sun Prairie Village County Water and Sewer District (water)	$500,000
31.	Judith Basin County for Geyser Water and Sewer District (wastewater)	$520,891
32.	Whitehall, Town of (water)	$750,000
33.	Libby, City of (wastewater)	$500,000

(3) Funding for the projects in subsection (2) will be provided only as long as there are sufficient funds available from the amount that was deposited into the Montana coal endowment special revenue account during the biennium beginning July 1, 2025. Funding for the projects will be made available in the order that the grant recipients satisfy the conditions described in [section 3(1)].

(4) There is appropriated $3,544,750 from the Montana coal endowment special revenue account established in 17-5-703(3)(a) to the department of commerce for the biennium beginning July 1, 2025, to finance Montana coal endowment program grants authorized by subsection (5) as projects meet the conditions provided in [section 3(1)].

(5) The following applicants and projects are authorized for grants and listed in the order of their priority:

Bridge Applicant		Grant Amount
1.	Lewis and Clark County	$750,000
2.	Madison County	$750,000
3.	Park County	$612,750
4.	Powder River County	$363,600
5.	Wibaux County	$440,500
6.	Missoula County Styler Creek West Bridge	$500,000

(6) Funding for projects 1 through 6 in subsection (5) will be provided only as long as there are sufficient funds available from the amount that was deposited into the Montana coal endowment special revenue account during

the biennium beginning July 1, 2025. Funding for the projects will be made available in the order that the grant recipients satisfy the conditions described in [section 3(1)].

(7) If sufficient funds are available, this section constitutes a valid obligation of funds to the grant recipients listed in subsections (2) and (5) for the purpose of encumbering the funds in the Montana coal endowment special revenue account for the biennium beginning July 1, 2025, pursuant to 17-7-302. However, a grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 3(1)] and on the availability of funds.

(8) Any project listed in subsections (2) and (5) that has not completed the conditions described in [section 3(1)] by September 1, 2026, must be reviewed by the next regular legislature to determine if the authorized grant should be withdrawn.

(9) The funds appropriated in this section must be used by the department to make grants to the government entities listed in subsections (2) and (5) for the described purposes and in amounts not to exceed the amounts set out in subsections (2) and (5). The grants authorized in this section are subject to the conditions set forth in [section 3(1)] and described in the Montana coal endowment program 2027 biennium project funding recommendations to the 69th legislature. The legislature, pursuant to 90-6-710, authorizes the grants for the projects listed in subsections (2) and (5). The department shall commit funds to projects listed in subsections (2) and (5), up to the amounts authorized except as provided in subsection (3), based on the manner of disbursement set forth in [section 3] until the funds deposited into the Montana coal endowment special revenue account during the biennium beginning July 1, 2025, are fully expended.

(10) If grant recipients do not complete all of the conditions described in [section 3(1)] by September 30, 2028, any obligation to the grant recipient will cease.

Section 2. Approval of grants -- completion of biennial appropriation. (1) The legislature, pursuant to 90-6-701, authorizes grants for the projects identified in [section 1(2) and (5)], the emergency infrastructure grants in [section 5], and the infrastructure planning grants in [section 6].

(2) The authorization of these grants completes a biennial appropriation from the Montana coal endowment special revenue account established in 17-5-703(3)(a).

(3) Grants to entities from prior bienniums are reauthorized for completion of contract work.

Section 3. Condition of grants -- disbursement of funds. (1) The disbursement of grant funds for the projects specified in [section 1(2) and (5)] is subject to completion of the following conditions:

(a) The grant recipient shall document that other matching funds required for completion of the project are firmly committed.

(b) The grant recipient must have a project management plan that is approved by the department of commerce.

(c) The grant recipient must be in compliance with the auditing and reporting requirements provided for in 2-7-503 and shall use a financial accounting system that the department of commerce can reasonably ensure conforms to generally accepted accounting principles. Tribal governments shall comply with auditing and reporting requirements provided for in 2 CFR 200.

(d) The grant recipient shall satisfactorily comply with all conditions described in the application's project summaries section of the Montana coal endowment program 2027 biennium project funding recommendations to the 69th legislature.

(e) The grant recipient shall satisfy other specific requirements considered necessary by the department of commerce to accomplish the purpose of the project as evidenced by the application to the department.

(f) Pursuant to 90-6-710(6), the grant recipient shall comply with all Montana coal endowment program requirements as determined by the department of commerce in order to qualify for reimbursement of project expenses.

(g) The grant recipient shall execute a grant agreement with the department of commerce.

(2) With the exception of bridges, all projects must adhere to the design standards required by the department of environmental quality. Recipients of Montana coal endowment program funds that are not subject to the department of environmental quality design standards must adhere to generally accepted industry standards, such as Recommended Standards for Wastewater Facilities or Recommended Standards for Water Works, published by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, latest edition.

(3) Recipients of Montana coal endowment program funds are subject to the requirements of the department of commerce as described in the most recent edition of the Montana Coal Endowment Program Project Administration Manual adopted by the department through the administrative rulemaking process.

Section 4. Other powers and duties of department. (1) The department of commerce shall disburse grant funds on a reimbursement basis as grant recipients incur eligible project expenses.

(2) If actual project expenses are lower than the projected expense of the project, the department may, at its discretion:

(a) reduce the amount of grant funds to be provided to grant recipients in proportion to all other project funding sources; or

(b) reduce the amount of grant funds to be provided so that the grant recipient's projected average residential user rates do not become lower than their target rate as determined by the department.

(3) If the grant recipient obtains a greater amount of grant funds than was contained in the Montana coal endowment program application, the department may reduce the amount of the Montana coal endowment program grant funds to be provided to ensure that the grant recipient continues to meet the threshold requirements contained in the program guidelines for receiving the larger Montana coal endowment program grant.

Section 5. Appropriation from Montana coal endowment special revenue account for emergency grants. There is appropriated $150,000 from the Montana coal endowment special revenue account established in 17-5-703(3)(a) to the department of commerce for the biennium beginning July 1, 2025, for the purpose of providing local governments, as defined in 90-6-701, with emergency grants for infrastructure projects, as defined in 90-6-701.

Section 6. Appropriation from Montana coal endowment special revenue account for infrastructure planning grants. There is appropriated $1,500,000 from the Montana coal endowment special revenue account established in 17-5-703(3)(a) to the department of commerce for the biennium beginning July 1, 2025, for the purpose of providing local governments, as defined in 90-6-701, with infrastructure planning grants for infrastructure projects, as defined in 90-6-701.

Section 7. Appropriation from Montana coal endowment regional water system special revenue account. (1) There is appropriated $10 million from the Montana coal endowment regional water system special revenue account established in 17-5-703(3)(b) to the department of natural

resources and conservation for the biennium beginning July 1, 2025, to finance the state's share of regional water system projects authorized in subsection (2) and as set forth in 90-6-715.

(2) The state's four regional water authorities are authorized to receive the funds appropriated in subsection (1) as long as there are sufficient funds available from the amount that was deposited into the Montana coal endowment regional water system special revenue account during the biennium beginning July 1, 2025.

(3) A regional water authority's receipt of funds is dependent on the authority's compliance with the conditions described in [section 9(1)].

(4) This section constitutes a valid obligation of funds to the regional water authorities identified in subsection (2) for the purpose of encumbering the Montana coal endowment regional water system special revenue account funds received during the biennium beginning July 1, 2025, under 17-7-302.

Section 8. Approval of funds -- completion of appropriation. (1) The legislature, pursuant to 90-6-715, authorizes funds for the regional water authorities identified in [section 7(2)].

(2) The authorization of these funds completes an appropriation from the Montana coal endowment regional water system special revenue account established in 17-5-703(3)(b).

Section 9. Conditions -- manner of disbursement of funds. (1) The disbursement of funds under [sections 7 and 8] is subject to completion of the following conditions:

(a) The regional water authority shall execute an agreement with the department of natural resources and conservation.

(b) The regional water authority must have a project management plan that is approved by the department.

(c) The regional water authority shall use a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles.

(d) The regional water authority shall provide the department with a detailed preliminary engineering report.

(2) The department shall disburse funds on a reimbursement basis as the regional water authority incurs eligible project expenses.

Section 10. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 11. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 667

[HB 12]

AN ACT APPROPRIATING MONEY FROM THE HISTORIC PRESERVATION GRANT PROGRAM ACCOUNT TO THE DEPARTMENT OF COMMERCE FOR HISTORIC PRESERVATION PROJECTS; AUTHORIZING GRANTS FROM THE HISTORIC PRESERVATION GRANT PROGRAM ACCOUNT; PLACING CONDITIONS ON GRANTS AND FUNDS; AMENDING SECTION 4(1), CHAPTER 710, LAWS OF 2023; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Appropriation for Montana historic preservation grant program. (1) There is appropriated $5,918,092 from the historic preservation grant program account established in 22-3-1307 to the department of commerce for the biennium beginning July 1, 2025, to finance projects authorized in subsection (2).

(2) The following projects and applicants are authorized for grants in their order of priority:

Rank	Project/Applicant	Grant Amount
1	Carter County Museum	
	Carter County Geological Society	$300,000
2	Yaak Community Hall	
	Lincoln County	$168,000
2	John Engen Building	
	Missoula Local Government Building Special District	$350,000
5	Lincoln School	
	Lincoln School Foundation	$300,000
6	KPRK Building	
	Moleo Media Group, LLC	$250,000
7	Historic Lavina School	
	Lavina Public Schools	$250,000
8	Red Lodge Pea Cannery and Brewery Building	
	Metagabbro LLC	$50,000
8	Yellowstone Art Museum Main Building	
	Yellowstone Art Museum	$210,000
11	Octagonal Pavilion	
	Madison County	$200,000
13	St. Michael's Church	
	Friends of the Historical Museum at Fort Missoula	$114,492
13	Historic Hamilton Town Hall	
	Hamilton, City of	$150,000
18	Apsáalooke Center for Culture and History	
	Little Big Horn College	$250,000
19	Hill County Courthouse	
	Hill County	$350,000
23	Sandstone and Cobblestone Schools Complex	
	Sandstone Preservation Community	$150,000
25	The Recording Center	
	Mathson Design, LLC	$24,600
26	Yucca Theatre	
	Treasure County 89ers, Inc.	$145,000
29	Anaconda Deer Lodge County Courthouse	
	Anaconda Deer Lodge County	$200,000
31	Kalispell Community Thrift/Scandinavian Methodist Church	
	Community Thrift LLC	$50,000
32	Kalispell Train Depot Building	
	Kalispell, City of	$150,000
34	Mountain States Telephone Building	
	MSTB, LLC	$150,000
35	Butte Steam Plant Event Center	
	Headwaters RC&D Area, Inc., on behalf of S Team LLC	$200,000
39	Shrine Auditorium	
	Native American Development Corporation	$350,000

42	Lewis & Clark County Courthouse	
	Lewis & Clark County	$300,000
42	St. Patrick's Mission	
	World Museum of Mining	$155,000
44	Anaconda Montana Hotel	
	Anaconda Restoration Association	$51,000
48	Anaconda Elks Club	
	Anaconda Benevolent Protective Order of Elks	
	Lodge 239	$250,000
53	Billings Depot Caboose	
	Billings Depot, Inc.	$150,000
53	Union Pacific Dining Lodge	
	West Yellowstone, Town of	$300,000
55	Prairie County Museum & Evelyn Cameron Gallery	
	Prairie County Museum & Evelyn Cameron Gallery, Inc.	$50,000
59	Villa Theatre	
	Villa Theatre Foundation	$100,000
61	Yellowstone Gateway Museum of Park County	
	Yellowstone Gateway Museum Foundation	$200,000

(3) Funding for the projects in subsection (2) is provided in the order of priority as long as there are sufficient funds available from the amount that was deposited in the historic preservation grant program account during the biennium beginning July 1, 2025. The funds in this subsection (3) must be awarded for the projects and in amounts not to exceed the amounts set out in subsection (2) subject to the conditions set forth in [section 3]. However, any of the projects listed in subsection (2) that do not complete the conditions described in [section 3(1)] by September 1, 2026, must be reviewed by the next regular legislature to determine if the authorized grant should be withdrawn.

(4) If sufficient funds are available, this section constitutes a valid obligation of funds to the grant projects listed in subsection (2) for the purposes of encumbering the funds in the historic preservation grant program account established in 22-3-1307 for the biennium beginning July 1, 2025, pursuant to 17-7-302. A grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 3] and on the availability of funds.

(5) The legislature, pursuant to 22-3-1305, authorizes the grants for the projects specified in subsection (2).

(6) (a) Except as provided in subsection (6)(b), a grant recipient shall enter into a definitive, binding contract with a qualified contractor to construct the project prior to September 30 of the even-numbered year preceding the next regularly scheduled legislative session. If the grant recipient fails to meet the deadline, any obligation to the grant recipient ceases, and the funds revert to the historic preservation grant program account established in 22-3-1307 for use in the next biennium.

(b) A grant recipient who fails to meet the contract deadline for either of the following reasons may request one 2-year extension, during which the project must be placed under contract or any obligation to the grant ceases:

(i) the project is damaged by fire or another form of casualty; or

(ii) the grant recipient fails to find a qualified contractor to construct the project and diligently pursued all reasonable avenues to find a qualified contractor.

(7) Grant recipients shall complete all of the conditions described in [section 3(1)] by September 30, 2026, or any obligation to the grant recipient ceases.

Section 2. Approval of grants -- completion of biennial appropriation. (1) The legislature, pursuant to 22-3-1305, authorizes grants for the projects specified in [section 1(2)].

(2) The authorization of these grants completes a biennial appropriation from the historic preservation grant program account established in 22-3-1307.

(3) Grants to entities from prior biennia are reauthorized for the completion of contract work.

Section 3. Condition of grants -- disbursement of funds. (1) The disbursement of grant funds for the projects specified in [section 1(2)] is subject to the completion of the following conditions:

(a) The grant recipient shall document that other matching funds required for the completion of the project are firmly committed.

(b) The grant recipient must have a project management plan that is approved by the department of commerce.

(c) The grant recipient must be in compliance with the auditing and reporting requirements provided for in 2-7-503 and establish a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles. Tribal governments shall comply with the auditing and reporting requirements provided for in 2 CFR 200.

(d) The grant recipient shall satisfactorily comply with any conditions described in the application or project summaries section of the Montana historic preservation grant program 2025 biennium report to the 69th legislature.

(e) The grant recipient shall satisfy other specific requirements considered necessary by the department of commerce to accomplish the purpose of the project as evidenced by the application to the department.

(f) The grant recipient shall execute a grant agreement with the department of commerce.

(2) Recipients of Montana historic preservation grant program funds are subject to the requirements of the department of commerce as described in the most recent edition of the Montana Historic Preservation Grant Program Project Administration Manual adopted by the department through the administrative rulemaking process.

Section 4. Supplemental appropriations. In the event that the total cost of a project exceeds the amount of the grant and matching funds, the grant recipient is fully responsible for funding the cost overrun. A supplemental appropriation may not be granted to complete the project.

Section 5. Other powers and duties of department of commerce. (1) The department of commerce shall disburse grant funds on a reimbursement basis as grant recipients incur eligible project expenses.

(2) If actual project expenses are lower than the projected expense of the project, the department may, at its discretion, reduce the amount of grant funds provided to grant recipients in proportion to all other project funding sources.

Section 6. Section 4(1), Chapter 710, Laws of 2023, is amended to read:

(1) The portion of section 4(1), Chapter 710, Laws of 2023, appropriating money from the historic preservation grant program account to the department of commerce for the indicated project is amended to read:

"~~15 Rocky Mountain Building~~
~~Community Health Care Center, Inc. dba~~
~~Alluvion Health $400,000~~ "

(2) The portion of section 4(1), Chapter 710, Laws of 2023, appropriating money from the historic preservation grant program account to the department of commerce for the indicated project is amended to read:

"20 Montana Club
~~Original Montana Club Cooperative Association~~ *Rathskeller, LLC* $90,040"

Section 7. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 8. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 668

[HB 76]

AN ACT GENERALLY REVISING LAWS REGARDING THE BOARD OF BEHAVIORAL HEALTH; PROVIDING FOR CERTIFICATION AND REGULATION OF FAMILY PEER SUPPORT SPECIALISTS; PROVIDING A LICENSURE EXEMPTION FOR RELIGIOUS OFFICIALS; ESTABLISHING CERTIFICATION REQUIREMENTS; AND AMENDING SECTIONS 37-39-101, 37-39-102, 37-39-303, AND 37-39-312, MCA.

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

Section 1. Section 37-39-101, MCA, is amended to read:

"**37-39-101. Purpose.** The practices of social work, professional counseling, marriage and family therapy, addiction counseling, ~~and~~ behavioral health peer support*, and family peer support* in the state of Montana are professional behavioral health practices affecting the public health, safety, and welfare and are subject to regulation and control in the public interest. It is a matter of public interest and concern that the collective practices of these professions warrant and receive the confidence of the public and that only qualified persons be permitted to practice in the behavioral health field from within or outside of Montana and engage with behavioral health clients located within the state. This chapter must be liberally construed to carry out these objectives and purposes."

Section 2. Section 37-39-102, MCA, is amended to read:

"**37-39-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Addiction" means the condition or state in which an individual is physiologically or psychologically dependent on alcohol or other drugs. The term includes chemical dependency as defined in 53-24-103.

(2) "Addiction counseling" means using the knowledge and skill necessary to provide the therapeutic process of addiction treatment.

(3) "Approved examination" means a standardized test or examination of behavioral health knowledge, skills, and abilities that is approved by the board.

(4) "Approved program" means a behavioral health educational program accredited or sponsored by an entity that is recognized at the national, regional, or state level and approved by the board.

(5) "Approved supervisor" means a supervisor determined by the board to meet standards established by the board for supervision of clinical services.

(6) "Baccalaureate social work" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate social work is generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, supervision,

consultation, education, advocacy, community organization, research, and the development, implementation, and administration of policies, programs, and activities.

(7) "Behavioral health" means, for the purposes of regulation and licensure *or certification* under this chapter, the practices of social work, professional counseling, marriage and family therapy, addiction counseling, and peer support regulated under this chapter.

(8) "Behavioral health disorder" is a diagnosis of:

(a) a mental disorder as defined in 53-21-102; or

(b) chemical dependency as defined in 53-24-103.

(9) "Behavioral health peer support" means the use of personal experience with a behavioral health disorder to provide support, mentoring, guidance, and advocacy to individuals with behavioral health disorders while under the supervision of a mental health professional in an amount, duration, and scope appropriate to the setting and the demonstrated competency and experience of the peer support specialist.

(10) "Board" means the board of behavioral health provided for in 2-15-1744.

(11) "Clinical professional counseling" means engaging in methods and techniques that include:

(a) counseling, which means the therapeutic process of:

(i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or

(ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health;

(b) assessment, which means selecting, administering, scoring, and interpreting instruments, including psychological tests, evaluations, and assessments, designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations;

(c) counseling treatment intervention, which means those cognitive, affective, behavioral, and systemic counseling strategies, techniques, and methods common to the behavioral sciences that are specifically implemented in the context of a therapeutic relationship, including techniques to treat the perception of chronic pain. Other treatment interventions include developmental counseling, guidance, and consulting to facilitate normal growth and development, including educational and career development.

(d) referral, which means evaluating information to identify needs or problems of an individual and to determine the advisability of referral to other specialists, informing the individual of the judgment, and communicating as requested or considered appropriate with the referral sources.

(12) (a) "Clinical social work" means the application of professional social work knowledge, skills, and values in the differential diagnosis and treatment of psychosocial function, disability, or impairment, including emotional, mental, and behavioral disorders and the perception of chronic pain. Treatment includes a plan based on a differential diagnosis. Treatment may include but is not limited to the provision of psychotherapy and counseling to individuals, couples, families, and groups across the life span. A clinical social work licensee may also provide the services of baccalaureate and master's social work.

(b) The term includes the performance of psychological testing, evaluation, and assessment if the licensee is qualified to administer testing and make evaluations and assessments pursuant to 37-17-104.

(13) "Department" means the department of labor and industry provided for in 2-15-1701.

(14) "Family peer support" means the use of personal experience as the parent, guardian, or caregiver of a child under 21 years of age with significant physical, developmental, or behavioral needs to provide support, mentoring guidance, and advocacy to parents, guardians, and caregivers of children with significant physical, developmental, or behavioral health needs while under the supervision of a mental health professional in an amount, duration, and scope appropriate to the setting and the demonstrated competency and experience of the peer support specialist.

~~(14)~~*(15)* "Licensee" means an individual licensed *or certified* under this chapter to practice social work, clinical professional counseling, addiction counseling, or marriage and family therapy or certified to provide behavioral health peer support *or family peer support*.

~~(15)~~*(16)* "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders within the context of interpersonal relationships, including marriage and family systems. Marriage and family therapy involves:

(a) the professional application of psychotherapeutic and family system theories and techniques, counseling, consultation, treatment planning, and supervision in the delivery of services to individuals, couples, and families;

(b) the provision of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, either directly or through public or private organizations; and

(c) the performance of psychological testing, evaluation, and assessment if the licensee is qualified to administer testing and make evaluations pursuant to 37-17-104.

~~(16)~~*(17)* "Master's social work" means the application of social work theory, knowledge, methods, and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Master's social work includes the application of specialized knowledge and advanced skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, supervision, consultation, education, research, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities.

~~(17)~~*(18)* "Mental health professional" means:

(a) a physician licensed under Title 37, chapter 3;

(b) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing;

(c) a psychologist licensed under Title 37, chapter 17;

(d) a social worker licensed under 37-39-308;

(e) a professional counselor licensed under 37-39-309;

(f) an addiction counselor licensed under 37-39-310; or

(g) a marriage and family therapist licensed under 37-39-311.

~~(18)~~*(19)* "Psychotherapy" means the use of psychosocial methods within a professional relationship to assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal processes.

~~(19)~~*(20)* "Social work" means the professional practice directed toward helping people achieve more adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge of social

resources, human capabilities, and the roles that individual motivation and social influences play in determining behavior and involves diagnoses and the application of social work techniques.

~~(20)~~*(21)* "Supervised work experience" means work in a behavioral health field after receipt of the required degree and license *or certification* but under:

(a) the supervision of an approved supervisor; and

(b) terms and conditions prescribed by the board by rule."

Section 3. Section 37-39-303, MCA, is amended to read:

"**37-39-303. Exemptions from licensure.** The license and certification requirements of this chapter do not prohibit:

(1) a member of another profession from performing duties and services consistent with the individual's licensure or certification or, in the case of a qualified member of another profession who is not licensed or certified, from performing duties and services consistent with the person's training, as long as the person does not represent by title that the person is licensed by the board;

(2) a member of the clergy, priesthood, or other ordained religious official from performing that person's duties as a clergy member, priest, or religious official, as long as the person does not represent by title that the person is licensed by the board;

~~(2)~~*(3)* an activity or service or use of an official title by a person employed by or acting as a volunteer for a federal, state, county, or municipal agency or an educational, research, or charitable institution that is a part of the duties of the office or position;

~~(3)~~*(4)* an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees; or

~~(4)~~*(5)* an activity or service of a student, intern, or resident in behavioral health counseling pursuing a course of study at an accredited university or college or working in a generally recognized training program if the activity or service constitutes a part of a supervised course of study."

Section 4. Section 37-39-312, MCA, is amended to read:

"**37-39-312. Peer support specialist ~~license~~ *certification* required -- qualifications.** (1) A person may not practice peer support unless ~~licensed~~ *certified* under Title 37, chapter 1, and this chapter.

(2) An applicant for ~~licensure~~ *certification* as a *behavioral health* peer support specialist must:

(a) have a diagnosis from a mental health professional as having a behavioral health disorder;

(b) have received treatment for the diagnosed behavioral health disorder;

(c) be in recovery, as defined by board rule, from the behavioral health disorder; and

(d) have successfully completed an approved program in behavioral peer support, including an ethics portion, as defined by board rule. ~~The board shall:~~

~~(i) provide a list of approved programs; and~~

~~(ii) approve content that is flexible, affordable, and inclusive of faith-based, cultural, and educational programs available from national, regional, and state agencies and organizations.~~

(3) An applicant for certification as a family peer support specialist must:

(a) have personal experience as the parent, guardian, or caregiver of a child under 21 years of age with significant physical, developmental, or behavioral health needs; and

(b) have successfully completed an approved program in family peer support, including an ethics portion, as defined by board rule.

(4) The board shall:

(a) provide a list of approved programs in behavioral health peer support and family peer support; and

(b) approve content that is flexible, affordable, and inclusive of faith-based, cultural, and educational programs available from national, regional, and state agencies and organizations."

Approved May 13, 2025

CHAPTER NO. 669

[HB 117]

AN ACT ESTABLISHING CRIMINAL JUSTICE DATA WAREHOUSE PROJECT PRIORITIES FOR THE 2025-2026 INTERIM; PROVIDING DEFINITIONS; PROVIDING APPROPRIATIONS; AMENDING SECTION 44-7-126, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, there is a criminal justice data warehouse housed in the Board of Crime Control; and

WHEREAS, the Board of Crime Control shall consult with the Criminal Justice Oversight Council to establish and maintain the criminal justice data warehouse; and

WHEREAS, the Criminal Justice Oversight Council provides direction and recommendations to the Board of Crime Control on data collection project priorities for the criminal justice data warehouse.

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

Section 1. Projects for 2025-2026 interim. (1) In preparation for the 2027 legislative session, the board shall prioritize the following projects:

(a) create a unique identifier to link data from separate state and local criminal justice agencies and the judicial branch in a manner that is efficient and protects the confidentiality requirements for any personally identifiable information;

(b) consult with the council to determine research priorities to answer questions about the criminal justice system, prioritize data collection, and develop data warehouse governance policies;

(c) consult with the council to identify and expand on the data elements that the board shall collect to achieve the purposes of 44-7-126;

(d) acquire a software application to assist with mastering records received in the criminal justice data warehouse from disparate data systems across the state criminal justice system;

(e) acquire a software application to assist in the cataloging of data fields and components in records received in the criminal justice data warehouse from disparate data systems across the state criminal justice system;

(f) identify willing local stakeholders to expand beyond the pilot project to deposit existing local criminal justice data in the criminal justice data warehouse, identify technology needs, and document data processes;

(g) maintain a list of the current vendors used by state and local criminal justice agencies and the judicial branch;

(h) identify and apply for federal funds that will help the board and the council sustain work on the criminal justice data warehouse;

(i) document data processes that are used to deposit data in the criminal justice data warehouse;

(j) identify methods to share any state savings that may result from improved data collection and integration with local governments; and

(k) identify information from other state agencies, including the department of public health and human services, or from tribal governments or the federal government that may be included in the criminal justice data warehouse or that may be necessary to answer criminal justice research questions posted by the council.

(2) The board shall:

(a) report to the council and the law and justice interim committee each regularly scheduled meeting between [the effective date of this act] and September 15, 2026, and to other legislative interim committees or administrative committees as requested; and

(b) by September 15, 2026, submit to the council, the law and justice interim committee, the legislative finance committee, and the governor's office of budget and program planning a report that includes:

(i) a summary of the work of the board since its last report to the council, the law and justice interim committee, the legislative finance committee, and the governor's office of budget and program planning to create the criminal justice data warehouse;

(ii) recommendations for specific next steps to further implement the criminal justice data warehouse and the associated costs and technology needs to accomplish those steps;

(iii) a summary of data sharing or integration projects the board has completed; and

(iv) a list of policy and funding priorities identified for the 2027 legislative session.

(3) As used in this section, unless the context clearly indicates otherwise, the following definitions apply:

(a) "Board" means the board of crime control established in 2-15-2008.

(b) "Council" means the criminal justice oversight council established in 53-1-216.

Section 2. Section 44-7-126, MCA, is amended to read:

"**44-7-126. Criminal justice data warehouse -- *purpose.*** (1) *(a)* There is a criminal justice data warehouse housed in the board of crime control. The purpose of the criminal justice data warehouse is to receive, store, secure, and maintain data and information from contributing entities to *facilitate analysis to* assist state and local officials to make data-informed decisions about the criminal justice system.

(b) To fulfill this purpose, the legislature intends that the criminal justice data warehouse provide a complete and integrated criminal justice database that includes information that will allow, among other topics, the analysis of:

(i) the complete criminal history of all convictions and offenses committed by each offender convicted in district court in the state;

(ii) the date and term of each sentence and whether an offender was in custody or on probation at the time of the offense;

(iii) the length of time between a prior conviction and a successive crime for which an offender is convicted and sentenced;

(iv) the length of time between release from custody, probation, or parole to an arrest for a new offense;

(v) programming an offender received while in custody of the department of corrections and which entity provided the programming;

(vi) for offenders who committed offenses that involved a dangerous drug as defined in 50-32-101, which dangerous drug was involved in the offense; and

(vii) whether an offender convicted of a crime in district court was on pretrial release at the time of the successive offense.

(2) (a) An agency and the court administrator shall contribute data and information to the criminal justice data warehouse on request by the board. A local government entity, a nongovernment entity, a tribal government, or a federal government entity may submit data and information to the criminal justice data warehouse.

(b) A contributing entity retains ownership of the data it contributes to the criminal justice data warehouse.

(3) As the administering agency of the criminal justice data warehouse, the board shall:

(a) adopt a memorandum of understanding with the department of administration for the provision of any technical assistance or services required to establish and maintain the criminal justice data warehouse;

(b) work in conjunction with the department of administration to assure the confidentiality of all records and data collected in the criminal justice data warehouse and to assure compliance with the applicable state and federal laws governing the privacy of records, data, and personally identifiable information;

(c) consult and collaborate with the council to prioritize data to request from contributing entities, data requests, and research using data from the criminal justice data warehouse;

(d) (i) identify and seek federal grant money that may be used for the purposes of establishing and maintaining the criminal justice data warehouse and achieving priorities established in law;

(ii) prioritize distribution of funds received pursuant to subsection (3)(d)(i) to contributing entities;

(e) adopt a memorandum of understanding with each contributing entity. The memorandum of understanding must describe the data and information being submitted and the schedule on which the data will be submitted and identify the confidentiality of the information and any conditions or restrictions on the use of the data or information; and

(f) grant the legislative fiscal analyst and the legislative services division director direct access to the criminal justice data warehouse in a manner that complies with the regulations of the respective federal programs.

(4) The board may:

(a) require an entity that contributes data or information to deliver the data or information in a certain format and on schedules established for the criminal justice data warehouse;

(b) collaborate with the council and contributing entities to establish policies to address the creation of reports generated through the query of records and data in the criminal justice data warehouse. A nongovernment entity may only collaborate with respect to the data or information contributed by that nongovernment entity; and

(c) adopt a standard memorandum of understanding that state and local criminal justice entities and the courts may use to govern data-sharing agreements."

Section 3. Appropriations. (1) There is appropriated $480,000 from the general fund to the board of crime control division of the department of justice for the biennium beginning July 1, 2025, for the purposes of paying for the acquirement of software applications outlined in [section 1]. Any unspent funds must be used for work on the criminal justice data warehouse.

(2) (a) There is appropriated $504,243 from the general fund to the board of crime control division of the department of justice for the biennium beginning July 1, 2025.

(b) The appropriation in subsection (2)(a) is intended to supplement base funding to the board of crime control for the implementation of the criminal

justice data warehouse to fund the positions of one full-time equivalent position of a project manager and one full-time equivalent position of a business or data analyst.

(c) The legislature intends that the appropriation in subsection (2)(a) be considered part of the ongoing base for the next legislative session.

(3) (a) There is appropriated $500,000 from the general fund to the board of crime control division of the department of justice for the biennium beginning July 1, 2025, for the purposes of providing a grant to the judiciary for contributing data and information to the criminal justice data warehouse as provided in 44-7-126. Any unspent grant funds must be returned by the judiciary to the board of crime control for work on the criminal justice data warehouse prior to the end of the biennium.

(b) The legislature intends that this is a one-time-only appropriation.

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

Approved May 13, 2025

CHAPTER NO. 670

[HB 145]

AN ACT REVISING THE NONRESIDENT BASE HUNTING LICENSE FEE; ALLOCATING A PORTION OF THE FEE TO HUNTING ACCESS PROGRAMS; AND AMENDING SECTION 87-2-116, MCA.

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

Section 1. Section 87-2-116, MCA, is amended to read:

"**87-2-116. Base hunting license prerequisite for other hunting licenses -- fee.** (1) To be eligible to apply for a hunting license or Class A-2 special bow and arrow license, a person must first obtain a base hunting license as provided in this section. The base hunting license must be purchased once each license year.

(2) Resident base hunting licenses may be purchased for a fee of $10, of which $2 is a hunting access fee that must be used by the department to fund programs authorized in 87-1-265.

(3) Nonresident base hunting licenses may be purchased for a fee of ~~$15~~ *$50*, of which ~~$10~~ *$40* is a hunting access fee that must be used by the department to fund programs authorized in 87-1-265."

Approved May 13, 2025

CHAPTER NO. 671

[HB 151]

AN ACT GENERALLY REVISING EDUCATION LAWS RELATED TO RECRUITMENT AND RETENTION AND THE MONTANA SCHOOL FOR THE DEAF AND BLIND; MAKING EDUCATIONAL SIGN LANGUAGE INTERPRETERS ELIGIBLE FOR THE QUALITY EDUCATOR PAYMENT AND THE QUALITY EDUCATOR LOAN ASSISTANCE PROGRAM; EXPANDING THE TYPES OF EDUCATIONAL ENTITIES THAT CAN RECEIVE INCENTIVES FOR MEETING STARTING TEACHER PAY BENCHMARKS AND THAT CAN PARTICIPATE IN THE TEACHER RESIDENCY PROGRAM; ALLOWING THE MONTANA SCHOOL FOR THE

DEAF AND BLIND TO TRANSPORT RESIDENT STUDENTS BETWEEN HOME AND THE SCHOOL BY SCHOOL BUS; AMENDING SECTIONS 20-4-502, 20-4-503, 20-4-702, 20-8-121, 20-9-324, AND 20-9-327, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE.

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

Section 1. Section 20-4-502, MCA, is amended to read:

"**20-4-502. Definitions.** For *the* purposes of this part, unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.

(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) "Impacted school" means:

(a) a special education cooperative;

(b) the Montana school for the deaf and blind, as described in 20-8-101;

(c) the Montana youth challenge program, as established in 10-1-1401;

(d) a correctional facility, as defined in 41-5-103;

(e) a public school located on an Indian reservation; and

(f) a public school that, driving at a reasonable speed for the road surface, is located more than 20 minutes from a Montana city with a population greater than 15,000 based on the most recent federal decennial census.

(5) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the current school year, who:

(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (5)(b) in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; ~~or~~

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-24-301, 37-25-302, 37-39-308, 37-39-309, or 37-39-311 and is employed by an entity listed in subsection (5)(b) to provide services to students*; or*

(iii) is employed by an entity listed in subsection (5)(b) to provide educational sign language interpreting for deaf and hard-of-hearing students and who meets the qualifications for educational sign language interpreting established by the board of public education.

(b) For *the* purposes of subsection (5)(a), *"*an entity*"* means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101;

(iv) the Montana youth challenge program; and

(v) a correctional facility, as defined in 41-5-103.

(6) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

Section 2. Section 20-4-503, MCA, is amended to read:

"**20-4-503. Critical quality educator shortages -- impacted schools.** (1) The board of public education, in consultation with the office of public instruction, shall maintain and make publicly available a current list of impacted schools.

(2) A quality educator working at an impacted school *or an individual employed under 20-4-502(5)(a)(iii)* is eligible for repayment of all or part of the quality educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established under this part. If a quality educator is eligible for loan assistance and remains employed in the same impacted school or another impacted school within the same school district, the quality educator remains eligible for a lifetime total of up to 3 years of state-funded loan repayment assistance and an additional 1 year of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated pursuant to 20-4-504(2)."

Section 3. Section 20-4-702, MCA, is amended to read:

"**20-4-702. Teacher residency program.** (1) The superintendent of public instruction shall administer a teacher residency program in collaboration with school districts and professional educator preparation programs.

(2) The teacher residency program must involve:

(a) a shared vision and partnership between:

(i) a resident;

(ii) a teacher-leader;

(iii) a school district; and

(iv) an educator preparation program;

(b) ensuring that a resident possesses the cultural competencies to succeed and be an effective educator in the school hosting the resident;

(c) selection and training for teacher-leaders;

(d) a resident being matched with a school district that provides a high-quality and supportive experience for residents working with a teacher-leader;

(e) flexible course delivery to allow a resident to complete required credits in the resident's preparation program;

(f) a cohort model with opportunities for virtual and in-person training and support;

(g) financial and other compensation for residents and teacher-leaders, including:

(i) housing for the resident or a housing allowance provided to the resident by the host school district;

(ii) for a resident in a professional educator preparation program accredited by the board of public education, a last-dollar tuition grant to eliminate tuition costs for the resident for the year of the residency;

(iii) a stipend for the teacher-leader; and

(iv) compensation for the resident, a portion of which may be conditioned on completion of the program and the signing of a teaching contract in a Montana public school for the following year; and

(h) a methodology for evaluating the effectiveness of the program.

(3) The superintendent of public instruction may contract with a professional educator preparation program located in a unit of the Montana university system to coordinate the teacher residency program or aspects of the program.

(4) If a resident does not complete the program or does not teach in a Montana public school for 3 or more years within 5 years of completing the teacher residency program, the superintendent of public instruction shall inform the commissioner of higher education and the commissioner shall convert the amount of any tuition grant provided to the resident under the program to a loan.

(5) For the purposes of this part, the following definitions apply:

(a) "Professional educator preparation program" means a postsecondary program intended to lead to teacher licensure that is accredited by the board

of public education or recognized by the board as an essentially equivalent program for teacher certification purposes.

(b) "Resident" means a student enrolled in a professional educator preparation program who is selected for participation in a teacher residency program as described in this section and who commits to teaching in a Montana public school following completion of the teacher residency program.

(c) "School district" or "district" means the educational entities eligible for a quality educator payment under 20-9-327.

~~(c)~~*(d)* "Teacher-leader" means an experienced classroom teacher who is selected to work with, coach, and mentor a resident.

~~(d)~~*(e)* "Teacher residency program" or "program" means a partnership between a district and a professional educator preparation program to provide residents with a year-long, practice-based learning experience working directly with students in a manner that mirrors the experience of teachers in that school and meets the criteria of supervised teaching experience as defined by the board of public education."

Section 4. Section 20-8-121, MCA, is amended to read:

"**20-8-121. Transportation of students at school.** (1) The school for the deaf and blind shall provide the transportation expenses allowed in subsection (4) for a residential student at the school for the deaf and blind who is a resident of the state of Montana if the student is conveyed to and from the student's residence by:

(a) a scheduled air carrier as defined in 67-1-101;

(b) charter with a commercial air operator as defined in 67-1-101;

(c) a parent or guardian of the student, under an individual transportation contract with the school for the deaf and blind;

(d) a school bus as defined in 20-10-101; or

~~(d)~~*(e)* other transportation arrangements~~, provided that the transportation is by a carrier of passengers certified by the public service commission and~~ approved by the superintendent of the school for the deaf and blind, pursuant to rules adopted by the board of public education.

(2) The superintendent of the school for the deaf and blind shall determine which method of transportation in subsection (1) is to be provided to a student, pursuant to rules adopted by the board of public education on transportation of residential and boarding students at the school.

(3) A parent or guardian who transports a student to or from the school under an individual transportation contract is entitled to reimbursement for transportation, pursuant to rules adopted by the board of public education on reimbursement.

(4) The transportation of a residential student provided in subsection (1) is limited to the number of round trips to the student's residence as specified in the school calendar approved by the board of public education. The superintendent of the school for the deaf and blind may grant a variance from this provision, but in no event may a reimbursement for travel expenses be provided for travel in excess of the total number of trips approved in any school fiscal year."

Section 5. Section 20-9-324, MCA, is amended to read:

"**20-9-324. Incentives for school districts meeting legislative goal for competitive base pay of teachers ~~in public school districts~~ – definitions.** (1) A *school* district~~, as defined in 20-6-101,~~ must receive an extra quality educator payment for certain quality educators, calculated as provided in 20-9-306(16), if it meets the legislative goal for competitive base pay of teachers in subsection (2).

(2) The legislative goal for competitive base pay of teachers is a teacher base pay that in the applicable year:

(a) is equal to at least 10 times as much as the quality educator payment amount provided in 20-9-306(16); and

(b) for a school district classified as first class pursuant to Title 20, chapter 6, is not less than 70% of the teacher average pay in the school district.

(3) A district seeking an incentive for the subsequent school fiscal year under this section shall, by December 1, provide the data necessary, as determined by the superintendent of public instruction, to verify:

(a) that the district has met the legislative goal established in subsection (2) for the current year; and

(b) the number of full-time equivalent teachers that are in the first 3 years of the teacher's teaching career in the current year. The first 3 years of a teacher's teaching career do not include a year of teaching under an emergency authorization pursuant to 20-4-111.

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

(a) "School district" or "district" means the educational entities eligible for a quality educator payment under 20-9-327.

~~(a)~~*(b)* "Teacher" means an individual who:

(i) holds a current class 1, 2, 4, 5, 6, or 7 license issued by the office of public instruction under rules adopted by the board of public education pursuant to 20-4-102; and

(ii) is employed by a school district in an instructional position requiring teacher licensure.

~~(b)~~*(c)* "Teacher average pay" means the total compensation paid by a school district to all of its teachers, not including bonuses, stipends, or extended duty contracts, divided by the total full-time equivalent teachers employed in the district, with full-time equivalence rounded to the nearest tenth.

~~(c)~~*(d)* "Teacher base pay" means the lowest salary for a beginning teacher incorporated in the district's collective bargaining agreement if the teachers' employment is covered by a collective bargaining agreement pursuant to Title 39, chapter 31, or incorporated in district policy if the teachers' employment is not covered by a collective bargaining agreement, not including bonuses, stipends, or extended duty contracts."

Section 6. Section 20-9-327, MCA, is amended to read:

"**20-9-327. Quality educator payment.** (1) (a) The state shall provide a quality educator payment to:

(i) public school districts, as defined in 20-6-101 and 20-6-701;

(ii) special education cooperatives, as described in 20-7-451;

(iii) the Montana school for the deaf and blind, as described in 20-8-101;

(iv) correctional facilities, as defined in 41-5-103; and

(v) the Montana youth challenge program.

(b) A special education cooperative that has not met the requirements of 20-7-454 may not be funded under the provisions of this section except by approval of the superintendent of public instruction.

(2) (a) The quality educator payment for special education cooperatives must be distributed directly to those entities by the superintendent of public instruction.

(b) The quality educator payment for the Montana school for the deaf and blind must be distributed to the Montana school for the deaf and blind.

(c) The quality educator payment for Pine Hills correctional facility and the facility under contract with the department of corrections for female, as defined in 1-1-201, youth must be distributed to those facilities by the department of corrections.

(d) The quality educator payment for the Montana youth challenge program must be distributed to that program by the department of military affairs.

(3) The quality educator payment is calculated as provided in 20-9-306, using the number of full-time equivalent educators, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, each of whom:

(a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (1) of this section in a position that requires an educator license in accordance with the administrative rules adopted by the board of public education;

(b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-24-301, 37-25-302, 37-39-308, 37-39-309, or 37-39-311; and

(ii) is employed by an entity listed in subsection (1) to provide services to students; ~~or~~

(c) (i) holds an American Indian language and culture specialist license; and

(ii) is employed by an entity listed in subsection (1) to provide services to students in an Indian language immersion program pursuant to Title 20, chapter 7, part 14*; or*

(d) meets the qualifications for educational sign language interpreting established by the board of public education and is employed by an entity listed in subsection (1) to provide educational sign language interpreting for deaf and hard-of-hearing students."

Section 7. Coordination instruction. (1) If both House Bill No. 252 and [this act] are passed and approved and if House Bill No. 252 contains a section amending 20-9-324, then [section 5 of this act], amending 20-9-324, is void.

(2) If both House Bill No. 252 and [this act] are passed and approved and if House Bill No. 252 contains a section amending 20-9-327, then [section 6 of this act], amending 20-9-327, is void and the section in House Bill No. 252 amending 20-9-327 must be amended to include a new subsection (3)(b)(iv) that reads as follows:

"(iv) is employed by an educational entity listed in subsection (1) to provide educational sign language interpreting for deaf and hard-of-hearing students and meets the qualifications for educational sign language interpreting established by the board of public education."

(3) If both House Bill No. 252 and [this act] are passed and approved, then [section 9 of this act] is void and the following must be added to [section 18(2) of House Bill 252], providing a transition section:

"(c) The legislature intends that eligible educational sign language interpreters meeting the qualifications of the board of public education and employed by and working at the Montana school for the deaf and blind during the school fiscal year beginning July 1, 2024, are included with the quality educator and qualified staff payments distributed in school fiscal years beginning on or after July 1, 2025."

(4) If both House Bill No. 509 and [this act] are passed and approved and if both contain a section that amends 20-4-503, then [section 2 of this act], amending 20-4-503, is void.

Section 8. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 1 through 5] are effective July 1, 2025.

Section 9. Applicability. [Section 6] applies to educational sign language interpreters meeting the qualifications of the board of public education

and employed by the Montana school for the deaf and blind during the school fiscal year beginning July 1, 2024, and subsequent school fiscal years so that quality educator payments for the Montana school for the deaf and blind are increased accordingly for school fiscal years beginning on or after July 1, 2025. [Section 6] applies to the other educational entities listed in [section 6] for school fiscal years beginning on or after July 1, 2026.

Approved May 13, 2025

CHAPTER NO. 672

[HB 168]

AN ACT REVISING SCHOOL FUNDING LAWS TO PROVIDE THAT 3-YEAR-OLD AND 4-YEAR-OLD CHILDREN WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT SPECIAL EDUCATION PROGRAMS ARE ELIGIBLE FOR INCLUSION IN ANB CALCULATIONS; INCLUDING PRESCHOOL-AGED CHILDREN WITH DISABILITIES IN THE LIST OF EXCEPTIONAL CIRCUMSTANCES THAT ALLOWS TRUSTEES TO ADMIT CHILDREN BEYOND THE AGE RANGES OF 5 TO 19 TO ENSURE THAT PRESCHOOL-AGED CHILDREN WITH DISABILITIES IN A SPECIAL EDUCATION PROGRAM OF A DISTRICT ARE CONSIDERED PUPILS; AMENDING SECTIONS 20-5-101 AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

WHEREAS, section 20-7-411(3), MCA, obligates school districts to provide a special education program for each child with a disability beginning at age 3; and

WHEREAS, the prohibition on including preschool pupils in annual number belonging (ANB) counts under section 20-9-311(7), MCA, applies specifically to preschool programs created at trustees' discretion under section 20-7-117(2), MCA; and

WHEREAS, if preschool-aged children with disabilities receiving special education from a school district are not included in ANB counts, there is no mechanism for state financial support for their education.

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

Section 1. Section 20-5-101, MCA, is amended to read:

"**20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit a child to a school in the district when the child is:

(a) 5 years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age;

(b) a resident of the district; and

(c) otherwise qualified under the provisions of this title to be admitted to the school.

(2) The trustees of a district may assign and admit any nonresident child to a school in the district under the tuition provisions of this title.

(3) (a) The trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this section.

(b) As used in this subsection *(3)*, "exceptional circumstances" means any of the following:

(i) the child is being admitted into a preschool program established by the trustees pursuant to 20-7-117;

(ii) the child is determined by the trustees to be ready for kindergarten and the child's parents have requested early entry into the district's regular 1-year kindergarten program;

(iii) the child is being admitted into an early literacy targeted intervention classroom or jumpstart program pursuant to Title 20, chapter 7, part 18;

(iv) the child is a child with a disability and is being admitted into a special education program pursuant to 20-7-411; or

~~(iv)~~*(v)* the adult is 19 years of age or older and in the trustees' determination would benefit from educational programs offered by a school of the district.

(c) The admittance of an individual under this subsection (3) does not in and of itself impact the ANB calculations governed by 20-9-311.

(4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

(5) The trustees shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the district prior to arrival and establishing residency.

(6) Except for the provisions of subsection (4), tuition for a nonresident child must be paid in accordance with the tuition provisions of this title.

(7) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding the assignment is final.

(8) The trustees shall assign and admit a child who is enrolled in a nonpublic or home school and who meets the requirements of subsection (1) as a part-time enrollee at the request of the child's parent or guardian.

(9) For the purposes of this part, "part-time enrollee" means a qualifying pupil who is enrolled and admitted at one of the fractional levels that qualify for part-time ANB pursuant to 20-9-311(4)(a) or (4)(d)."

Section 2. Section 20-9-311, MCA, is amended to read:

"**20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging.** (1) Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on the first Monday in February of the prior school fiscal year or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) Except as provided in subsection (4)(d), for the purpose of calculating ANB, enrollment in an education program:

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Except as provided in subsection (4)(d), enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under subsection (4)(a) or (4)(b) if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

(e) (i) Except as provided in subsection (4)(e)(ii), a pupil ~~in kindergarten through grade 12~~ who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes. When a pupil is concurrently enrolled in more than one district, any fractional enrollment under subsection (4)(a) must be attributed first to a pupil's nonresident district.

(ii) A pupil who participates in a jumpstart program under Title 20, chapter 7, part 18, may be counted as up to 1 1/4 enrollment for ANB purposes. A district shall add one-quarter enrollment for a pupil who participated in an early literacy jumpstart program to the pupil's regular enrollment count under this subsection (4) in both the October and February enrollment counts following the student's participation in the jumpstart program.

(5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) (a) *(i)* The enrollment of preschool pupils~~,~~ *in preschool programs created at the discretion of trustees* as provided in 20-7-117~~,~~ may not be included in the ANB calculations.

(ii) Preschool children with disabilities receiving special education services as required under 20-7-411(3) may be included in ANB calculations based on the aggregate hours of pupil instruction as provided in subsection (4) of this section.

(b) Except as provided in subsection (7)(c), a pupil who has reached 19 years of age by September 10 of the school year may not be included in the ANB calculations.

(c) A pupil with disabilities who is over 19 years of age and has not yet reached 21 years of age by September 10 of the school year and who is receiving special education services from a school district pursuant to 20-7-411(4)(a) may be included in the ANB calculations if:

(i) the student has not graduated;

(ii) the student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability; and

(iii) the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age 16 or the student's disability has increased in significance after age 16.

(d) A school district providing special education services pursuant to subsection (7)(c) is encouraged to collaborate with agencies and programs that serve adults with developmental disabilities in meeting the goals of a student's transition plan.

(8) The average number belonging of the regularly enrolled pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled pupils attending the schools of the district, except that:

(a) the ANB is calculated as a separate budget unit when:

(i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when geographic barriers exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

(A) 75% of the basic entitlement for the fourth year;

(B) 50% of the basic entitlement for the fifth year; and

(C) 25% of the basic entitlement for the sixth year.

(b) when a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) when a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) when a school has been designated as nonaccredited by the board of public education because of failure to meet the board of public education's assurance and performance standards, the regularly enrolled pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

(10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of in-person or remote instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school or an offsite instructional setting of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using remote delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs. The pupil:

(i) must meet the residency requirements for that district as provided in 1-1-215;

(ii) shall live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) must be enrolled in the educational program or course under a mandatory attendance agreement as provided in 20-5-321; or

(iv) must be receiving remote instruction under 20-7-118(1)(c).

(h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.

(12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.

(13) (a) A district may, for ANB purposes, include in the October and February enrollment counts an individual who is otherwise eligible under this title and who during the prior school year:

(i) resided in the district;

(ii) was not enrolled in the district or was not enrolled full time; and

(iii) completed an extracurricular activity with a duration of at least 6 weeks.

(b) (i) Except as provided in subsection (13)(b)(ii), each completed extracurricular activity under subsection (13)(a) may be counted as one-sixteenth enrollment for the individual, but under this subsection (13) the individual may not be counted as more than one full-time enrollment for ANB purposes.

(ii) Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment.

(c) For the purposes of this section, "extracurricular activity" means:

(i) a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;

(ii) an approved career and technical student organization, pursuant to 20-7-306; or

(iii) a school theater production.

(14) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (14)(a) and then combined.

(15) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (15)(a) by three."

Section 3. Effective date. [This act] is effective July 1, 2025.

Section 4. Applicability. [This act] applies to enrollment counts and ANB calculations conducted in school fiscal years beginning on or after July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 673

[HB 228]

AN ACT REVISING REQUIREMENTS FOR THE REPORTING OF ACTUAL COSTS FOR LEGISLATION WITH PROJECTED FISCAL IMPACTS; REPEALING A TERMINATION DATE; AMENDING SECTION 5-4-208, MCA; REPEALING SECTION 6, CHAPTER 350, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 5-4-208, MCA, is amended to read:

"**5-4-208. ~~(Temporary) Report~~ *Report* of actual costs for legislation with projected fiscal impact.** (1) Except for the general appropriations act and any bill exempted by the legislature, for each bill with an estimated expenditure amount of over ~~$1 million~~ *$500,000* from the general fund in any 1 of the 4 fiscal years identified in the bill's fiscal note, or as required in the bill, that is passed and approved for which a fiscal note is prepared and presented to the legislature, the office of budget and program planning shall prepare and present ~~an annual~~ *an annual* report to the legislative finance committee ~~by October 1 of each year~~ *by October 1 of each year*.

(2) The report ~~The report~~ must include the following information:

~~(a)~~*(a)* the name of the bill;

~~(b)~~*(b)* the actual expenditures incurred based on the bill as enacted ~~for the past entire fiscal year~~ *for the past entire fiscal year* and a description of how the funds were expended; and

~~(c)~~*(c)* a comparison to the projected costs of the bill as projected in the fiscal note for that same ~~fiscal year~~ *fiscal year*.

~~(2)~~*(3)* The report to the legislature must include bills that qualify under subsection (1) for which a fiscal note was prepared which have been in effect for at least 1 fiscal year. The bill must be included in the report for each ~~year~~ *year* a cost was projected in a corresponding fiscal note.

~~(3)~~*(4)* The report must be provided in an electronic format.

~~(4)~~*(5)* The report must also be submitted to the legislature as provided in 5-11-210. ~~(Terminates December 31, 2025--sec. 6, Ch. 350, L. 2021.)~~"

Section 2. Repealer. Section 6, Chapter 350, Laws of 2021, is repealed.

Section 3. Effective date. [This act] is effective June 30, 2025.

Approved May 13, 2025

CHAPTER NO. 674

[HB 231]

AN ACT GENERALLY REVISING PROPERTY TAX LAWS; PROVIDING FOR A PROPERTY TAX REBATE ON A PRINCIPAL RESIDENCE BASED ON A CERTAIN AMOUNT OF PROPERTY TAXES PAID FOR TAX YEAR 2024; TEMPORARILY REDUCING CLASS FOUR RESIDENTIAL PROPERTY TAX RATES; REVISING TAX RATES FOR CERTAIN CLASS FOUR RESIDENTIAL

AND COMMERCIAL PROPERTY; PROVIDING A LOWER TAX RATE FOR CERTAIN OWNER-OCCUPIED RESIDENTIAL PROPERTY AND LONG-TERM RENTALS; PROVIDING A LOWER TAX RATE FOR A PORTION OF COMMERCIAL PROPERTY VALUE; PROVIDING ELIGIBILITY AND APPLICATION REQUIREMENTS; PROVIDING FOR AN APPEAL PROCESS; PROVIDING FOR THE ADJUSTMENT OF CERTAIN LOCAL GOVERNMENT FIXED MILL LEVIES; PROVIDING APPROPRIATIONS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-1-121, 15-6-134, 15-7-102, 15-15-101, 15-15-102, 15-15-103, 15-16-101, 15-17-125, AND 15-30-2120, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES.

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

Section 1. Definitions. As used in [sections 1 through 6] and 15-6-134, the following definitions apply:

(1) "Homestead reduced tax rate" means the tax rate provided for in 15-6-134(3)(b)(i).

(2) "Long-term rental" means class four residential property:

(a) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and the parcel on which the long-term rental improvements are located but not including any contiguous or adjacent parcels;

(b) that an owner can demonstrate was:

(i) rented for periods of 28 days or more for at least 7 months in each tax year for which the rental property reduced tax rate is claimed; or

(ii) vacant for not more than 5 months to complete documented property repairs;

(c) that is occupied by tenants who use the dwelling as a residence during the year in which the reduced tax rate is claimed; and

(d) for which the owner is current on payment of the assessed Montana property taxes when claiming the reduced tax rate.

(3) "Owner" includes a purchaser under contract for deed as defined in 70-20-115, a grantor of a trust indenture as defined in 71-1-303, and the trustee of a grantor trust that is revocable as defined in 72-38-103.

(4) (a) "Principal residence" means class four residential property:

(i) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and the parcel on which the principal residence improvements are located but not including any contiguous or adjacent parcels;

(ii) in which an owner can demonstrate the owner owned and lived for at least 7 months of the year for which the homestead reduced tax rate for a principal residence is claimed;

(iii) that is the only residence for which the owner claims the homestead reduced tax rate for that year; and

(iv) for which the owner made payment of the assessed Montana property taxes.

(b) An owner who cannot meet the requirements of subsection (4)(a)(ii) because the owner's principal residence changed during the tax year to another principal residence may still qualify for the homestead reduced tax rate if the owner paid the Montana property taxes while residing in each principal residence for a total of at least 7 consecutive months for each tax year.

(5) "Rental property reduced tax rate" means the tax rate provided for in 15-6-134(3)(b).

(6) "Tax year 2026" means the period from January 1, 2026, through December 31, 2026.

Section 2. Homestead reduced tax rate -- application -- limitations. (1) There is a homestead reduced tax rate provided for in 15-6-134(3)(b)(i) for a principal residence as provided in this section.

(2) (a) Beginning in tax year 2026, the owner of a principal residence may apply to the department to receive the homestead reduced tax rate. The owner of a principal residence who applied for and received the rebate provided for in [sections 9 through 11] for tax year 2024 automatically qualifies for the homestead reduced tax rate unless subsections (2)(c)(i) through (2)(c)(iii) apply to the principal residence for which the rebate was claimed. The owner of a principal residence who did not receive a rebate under [sections 9 through 11], shall apply as provided in this section to receive the homestead reduced tax rate in tax year 2026.

(b) To receive the homestead reduced tax rate for the tax year in which the application is first made, the owner shall apply electronically through the department's website or by mail on a form prescribed by the department between December 1 of the immediately preceding year and March 1. Applications submitted by mail must be postmarked by March 1. Approved applications received electronically or postmarked after March 1 apply to the following tax year.

(c) Once approved, the homestead reduced tax rate remains effective until the end of the tax year in which any of the following events occur:

(i) there is a change in ownership of the property;

(ii) the owner no longer uses the dwelling as a principal residence; or

(iii) the owner applies for a homestead reduced tax rate for a different principal residence.

(d) If a homestead reduced tax rate is terminated pursuant to subsection (2)(c) or [section 4], any remaining property taxes due for the year in which the homestead reduced tax rate is terminated must be based on the tax rate in effect on January 1 of the year in which the homestead reduced tax rate was terminated.

(e) An application for a homestead reduced tax rate must be submitted on a form prescribed by the department and must contain:

(i) a written declaration made under penalty of perjury that the applicant owns and maintains the land and improvements as the principal residence as defined in [section 1]. The application must state the penalty provided for in [section 4].

(ii) the geocode or other property identifier of the principal residence for which the applicant is requesting the homestead reduced tax rate;

(iii) the social security number of the applicant; and

(iv) any other information required by the department that is relevant to the applicant's eligibility.

(3) (a) Except as provided in subsection (3)(b), class four residential property owned by an entity is not eligible to receive the homestead reduced tax rate.

(b) The trustee of a grantor revocable trust may apply for a homestead reduced tax rate for a principal residence on behalf of the trust if the dwelling meets the definition of a principal residence for the grantor.

(c) Class four residential property located on fee land within the exterior boundaries of an Indian reservation within this state is automatically eligible for the homestead reduced tax rate provided for in this section and is not required to submit an application pursuant to subsection (2).

(4) The department shall notify the owner if the homestead reduced tax rate is applied to the property or if the application was denied.

Section 3. Rental property reduced tax rate -- application -- limitations. (1) There is a rental property reduced tax rate provided for in 15-6-134(3)(b) for a long-term rental as provided in this section.

(2) (a) Beginning in tax year 2026, the owner of a long-term rental may apply to the department to receive the rental property reduced tax rate. The application must be made by an individual owner or, for an entity owner, by an authorized representative of the entity.

(b) The department shall mail a notice to potential claimants by October 30, 2025, for tax year 2026. Receipt of a notice does not establish that a taxpayer or property owner is eligible to receive the rental property reduced tax rate, and a taxpayer who does not receive a notice may still be eligible to claim the rental property reduced tax rate. All taxpayers, regardless of the receipt of notice, shall apply for a reduced rate as provided in this subsection (2).

(c) To receive the rental property reduced tax rate for the tax year in which the application is first made, the owner or authorized representative shall apply electronically or by mail on a form prescribed by the department between December 1 of the immediately preceding year and March 1. Applications received electronically or postmarked after March 1 apply to the following tax year.

(d) Once approved, the rental property reduced tax rate remains effective until the end of the tax year in which any of the following events occur:

(i) there is a change in ownership of the property;

(ii) the property is no longer rented to tenants as a dwelling;

(iii) the terms of the lease change and the property no longer qualifies as a long-term rental as defined in [section 1]; or

(iv) the owner fails to submit a ~~complete~~ reapplication to the department as required in subsection (4).

~~(d)~~*(e)* If a rental property reduced tax rate is terminated pursuant to subsection (2)(d) or [section 4], any remaining property taxes due for the year in which the rental property reduced tax rate is terminated must be based on the tax rate in effect on January 1 of the year in which the rental property reduced tax rate was terminated.

(3) An application for a rental property reduced tax rate must be submitted on a form prescribed by the department and must contain:

(a) a written declaration made under penalty of perjury that the applicant owns and maintains the land and improvements as a long-term rental as defined in [section 1]. The application must state the penalty provided for in [section 4].

(b) the geocode or other property identifier for the long-term rental for which the applicant is requesting the rental property reduced tax rate;

(c) the social security number or taxpayer identification number of the applicant;

(d) the income and expense information for the long-term rental for the immediately preceding year, including the amount of rent charged each month; and

(e) any other information required by the department that is relevant to the applicant's eligibility.

(4) To continue receiving the rental property reduced tax rate, the owner of a qualifying long-term rental shall reapply as required by the department. Beginning in 2028, the department shall require reapplication of 20% of long-term rentals each year.

(5) Periods of short-term vacancy not exceeding ~~3~~ *5* months in a 12-month period do not disqualify a long-term rental from receiving the rental property reduced tax rate.

(6) The department shall notify the owner if the rental property reduced tax rate is applied to the property or if the application was denied.

Section 4. Homestead and rental property reduced tax rates -- improper approval -- penalty for false or fraudulent application. (1) Except as provided in subsection (2), if the department determines that an application for a homestead reduced tax rate or a rental property reduced tax rate was improperly approved or that the property no longer qualifies for the reduced rate, the department shall revise the assessment for each year the homestead reduced tax rate or the rental property reduced tax rate was improperly granted subject to the assessment revision procedure established in 15-8-601.

(2) (a) A person who files a false or fraudulent application for a homestead reduced tax rate provided for in [section 2 ~~or 3~~] or for a rental property reduced tax rate provided for in [section ~~4~~ *3*] is subject to criminal prosecution under the provisions of 45-7-202.

(3) (a) If a person is determined to have filed a false or fraudulent application, the department shall revise the assessment of the property subject to the assessment revision procedure established in this section and 15-8-601 and assess a penalty as provided in this subsection (3). The penalty is equal to three times the base penalty amount calculated under subsection (3)(b) plus interest at the rate provided in 15-16-102 calculated from the original due date of the taxes, until paid.

(b) The base penalty amount is equal to the property tax due for each year the homestead reduced tax rate or the rental property reduced tax rate was improperly received, determined using the tax rate provided for in 15-6-134(3)(a), the appraised value, and the mill levies in effect for the year, less the actual property taxes paid in the year.

(c) The revised assessment and penalty must be assessed against a person who filed a false or fraudulent application even if the person no longer owns the property.

(4) If the person who filed a false or fraudulent application no longer owns the property associated with the false or fraudulent application, the penalty plus interest provided for in subsection (3) may be recovered as any other tax owed the state. If the penalty plus interest becomes due and owing, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(5) Except as provided in subsection (4), if the department determines that a false or fraudulent application was made, the department shall send the revised assessment with the additional penalty amount as determined under subsection (3) to the county treasurer in the county where the property is located.

(6) The county treasurer shall distribute property taxes, penalty, and interest collected under this section proportionally to the affected taxing jurisdictions.

(7) A revised assessment made under this section must be made within 10 years after the end of the calendar year in which the original application was made.

Section 5. Appeal of denial of reduced tax rate. (1) (a) If the department denies an application for a homestead reduced tax rate or a rental property reduced tax rate, the owner may request an informal review of the denial by submitting an objection on written or electronic forms provided by the department for that purpose in a manner prescribed by the department. The objection must be made no later than 30 days after the date of the denial notification sent pursuant to [section 2 (4) or 3(6)].

(b) The property owner may request that the department consider extenuating circumstances to grant an application for the homestead reduced tax rate or the rental property reduced tax rate. Extenuating circumstances include but are not limited to extraordinary, unusual, or infrequent events that are material in nature and of a character different from the typical or customary, and that are not expected to recur.

(c) After the informal review, the department shall determine the correct status of the homestead reduced tax rate or the rental property reduced tax rate and notify the taxpayer of its determination by mail or electronically. In the notification, the department shall state its reasons for accepting or denying the application.

(2) If a property owner is aggrieved by the determination made by the department after the review provided for in subsection (1), the property owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts. An appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the department's determination. If the county tax appeal board or the Montana tax appeal board determines that the homestead reduced tax rate or the rental property reduced tax rate should apply, the department shall adjust the taxable value of the property in accordance with the board's order.

Section 6. Rulemaking authority. The department shall adopt rules that are necessary to implement and administer [sections 1 through 6].

Section 7. Legislative findings -- local government charters and fixed mill levy limits superseded -- definition. (1) (a) The legislature finds that most local governments set mill levies that adjust downward when taxable value increases under 15-10-420. This floating mill levy concept automatically lowers the number of mills levied against a taxpayer when property values increase, which mitigates increases in property values. However, when mill levies are fixed, the opposite occurs when property values increase, and property taxes are not automatically mitigated for taxpayers that are levied based on a fixed mill levy.

(b) The legislature finds further that it is prohibited under Article VIII, section 2, of the Montana constitution, from suspending or contracting away the power to tax. The legislature also recognizes and respects the power of local governments under Article XI, section 5, of the Montana constitution to adopt, amend, revise, or abandon a charter.

(2) As a matter of policy, the legislature intends to supersede local government charters that fix mill levy limits for the limited purpose of exercising the power to tax while also maintaining local government revenue sources without raising taxes on residential taxpayers. Having considered all options on a statewide basis, the legislature finds the statutory structure of the property tax has evolved significantly since the passage of Initiative Measure No. 105 on November 4, 1986, and the enactment of 15-10-420 by the legislature in 1999. Given the significant change in the structure of the property tax and the rising cost of residential property in the last 5 years, there is a compelling interest to all the citizens of the state to lower residential property tax rates for primary residences, which can only be accomplished by this section and 15-10-420.

(3) A local government with a charter form of government that includes a mill levy limit of a specific number of mills that may be imposed in the charter shall levy the number of mills in fiscal year 2026 and subsequent tax years that will generate the amount of property taxes assessed in fiscal year 2025, without amending or revising the charter. In fiscal years after 2026, the local government shall levy the number of mills levied in fiscal year 2026.

(4) A taxing entity with a local mill levy limit of a specific number of mills that may be imposed for public safety that was authorized by the voters before [the effective date of this section] may:

(a) elect to transition a voted mill public safety levy to a dollar-based mill levy equal to the amount of property taxes assessed in fiscal year 2025 and thereafter subject to the provisions of 15-10-420(1)(a); or

(b) levy the number of mills in fiscal year 2026 that will generate the amount of property taxes assessed in fiscal year 2025. In fiscal years after 2026, the local government shall levy the number of mills levied in fiscal year 2026.

(5) As used in this section, "public safety" means police, fire, and emergency medical services.

Section 8. Reimbursement for loss of revenue from certain fixed mill levies -- definition. (1) The department shall reimburse each taxing entity as provided in this section for the revenue loss resulting from the tax rate reductions in 15-6-134 as amended by [this act] for the following levies:

(a) levies of a local government with a charter form of government that includes a mill levy limit of a specific number of mills that may be imposed in the charter; and

(b) levies stated as a specific mill levy authorized by voters for public safety before [the effective date of this act].

(2) (a) For fiscal year 2026, the reimbursement must be equal to the difference between the property tax revenue collected from the levies provided for in subsection (1) and the property tax revenue collected in fiscal year 2025. After fiscal year 2026, the reimbursement must be equal to the difference between the property tax revenue collected from the levies provided for in subsection (1) and the property tax revenue that would be collected in the current fiscal year using the mill levy that would raise the fiscal year 2025 tax revenue using the fiscal year 2026 taxable value.

(b) A reimbursement pursuant to this section must include any fines, penalties, or damages resulting from a judgment levy against the taxing entity in levying property taxes in accordance with [section 7].

(3) A taxing entity eligible to receive a reimbursement under this section shall report the loss in revenue from the tax rate reductions in 15-6-134 as amended by [this act] and any amount reimbursable under subsection (2)(b) to the department of revenue.

(4) A reimbursement provided for in this section may only be made for 4 years after [the effective date of this section].

(5) The department shall distribute the reimbursements with the entitlement share payments under 15-1-121(7).

(6) As used in this section, "public safety" means police, fire, and emergency medical services.

Section 9. Definitions. As used in [sections 9 through 11], the following definitions apply:

(1) "Montana property taxes" means the ad valorem property taxes, special assessments, and other fees imposed on property classified under 15-6-134 that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre, as is reasonably necessary for its use as a dwelling and that were assessed and paid by the taxpayer for tax year 2024. The amount of Montana property taxes assessed and paid is equal to the total amount billed by the local government for the dwelling as shown on the 2024 property tax bill received by the taxpayer with a first-half payment due in or around November 2024 and a second-half payment due in or around May 2025.

(2) "Owned" includes purchasing under a contract for deed and being the grantor or grantors under a revocable trust indenture.

(3) (a) "Principal residence" means, subject to the provisions of subsection (3)(b), a dwelling:

(i) in which an owner can demonstrate the owner owned and lived for at least 7 months of the year for which the property tax rebate is claimed;

(ii) that is the only residence for which the taxpayer claims the property tax rebate; and

(iii) for which the taxpayer made payment of the assessed Montana property taxes during tax year 2024.

(b) A taxpayer who cannot meet the requirements of subsection (3)(a)(i) because the owner's principal residence changed during the tax year to another principal residence may still claim the property tax rebate if the taxpayer paid the Montana property taxes while residing in each principal residence for a total of at least 7 consecutive months for the 2024 tax year.

(4) "Tax year 2024" means the period January 1, 2024, through December 31, 2024.

Section 10. Property tax rebate -- manner of claiming -- limitations -- appeals. (1) Subject to the conditions provided for in [sections 9 through 11], there is a rebate of Montana property taxes in the amount of $400 or the amount of total property taxes paid, whichever is less, for tax year 2024.

(2) The rebate provided for in subsection (1) is for Montana property taxes assessed to and paid by a taxpayer or taxpayers on property they owned and occupied as a principal residence during tax year 2024.

(3) The department shall mail a notice to potential claimants by June 30, 2025, for tax year 2024. Receipt of a notice does not establish that a taxpayer or property owner is eligible for a rebate, and a taxpayer who does not receive a notice may still be eligible to claim a rebate. All taxpayers, regardless of the receipt of notice, shall claim a rebate as provided in subsection (5).

(4) Except as provided in subsections (5)(c) and (5)(d), a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre that is owned by an entity is not eligible to claim the rebate.

(5) (a) (i) All claims for this property tax rebate must be submitted to the department electronically or by mail.

(ii) Electronic claims must be submitted between August 15, 2025, and October 1, 2025, through the department's website.

(iii) Claims submitted by mail must be made on a form prescribed by the department and postmarked by October 1.

(iv) The department may grant an extension of time if the claimant establishes good cause for missing the October 1 deadline. The department's authority to consider an application terminates on December 1, 2025, and any applications or requests for extension received after that date may not be processed.

(b) Subject to subsections (5)(c) and (5)(d), a claim for rebate must be submitted, under penalty of false swearing and the penalties provided in [section 11], on a form prescribed by the department and must contain:

(i) an affirmation that the claimant owns and maintains the land and improvements as the principal residence as defined in [section 9];

(ii) the geocode or other property identifier for the principal residence that the claimant is requesting the rebate on;

(iii) the social security number of the claimant and the claimant's spouse; and

(iv) any other information as required by the department that is relevant to the claimant's eligibility.

(c) The personal representative of the estate of a deceased taxpayer may execute and file the claim for rebate on behalf of a deceased taxpayer who qualifies for the rebate.

(d) The trustee of a grantor revocable trust may file a claim on behalf of the trust if the dwelling meets the definition of a principal residence for the grantor.

(6) Only one rebate will be issued to a taxpayer for the Montana property taxes paid by the taxpayer for tax year 2024.

(7) If a debt is due and owing to the state, the department may offset the rebate in this section as provided in sections 15-30-2629, 15-30-2630, 17-4-105, or as otherwise provided by law.

(8) If a property tax rebate is denied by the department, the claimant is entitled to a written explanation why the application was denied. A claimant may make a written appeal of a denial to a management level employee of the department, who shall issue a final decision that is not appealable. Appeals occurring under this subsection (8) are not subject to the provisions contained in 15-1-211.

Section 11. Property tax rebate -- penalty for false or fraudulent claim. (1) Except as provided in subsection (2), if the department discovers that a rebate paid to a taxpayer exceeded the amount allowed by [sections 9 through 11], the department may, within 1 year from the date the rebate was transmitted to the taxpayer, assess the taxpayer for the difference. The assessment is subject to the uniform dispute review procedure established in 15-1-211.

(2) A person who files a false or fraudulent claim for a property tax rebate under [sections 9 through 11] is subject to criminal prosecution under the provisions of 45-7-202. If a false or fraudulent claim has been paid by the department, the amount paid may be recovered as any other tax owed the state, together with a penalty of 300% of the rebate claimed and interest on the amount of the rebate claimed plus penalty at the rate of 12% a year, until paid. If this rebate plus penalty becomes due and owing, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

Section 12. Section 15-1-121, MCA, is amended to read:

"**15-1-121. Entitlement share payment -- purpose -- appropriation.** (1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections, and other revenue in the state treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments.

(2) The sources of dedicated revenue that were relinquished by local governments in exchange for an entitlement share of the state general fund were:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle, boat, and aircraft taxes and fees pursuant to:
(i) Title 23, chapter 2, part 5;
(ii) Title 23, chapter 2, part 6;
(iii) Title 23, chapter 2, part 8;
(iv) 61-3-317;
(v) 61-3-321;
(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;
(vii) Title 61, chapter 3, part 7;
(viii) 5% of the fees collected under 61-10-122;
(ix) 61-10-130;
(x) 61-10-148; and
(xi) 67-3-205;
(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);
(d) district court fees pursuant to:
(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);
(ii) 25-1-202;
(iii) 25-9-506; and
(iv) 27-9-103;
(e) certificate of title fees for manufactured homes pursuant to 15-1-116;
(f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;
(g) all beer, liquor, and wine taxes pursuant to:
(i) 16-1-404;
(ii) 16-1-406; and
(iii) 16-1-411;
(h) late filing fees pursuant to 61-3-220;
(i) title and registration fees pursuant to 61-3-203;
(j) veterans' cemetery license plate fees pursuant to 61-3-459;
(k) county personalized license plate fees pursuant to 61-3-406;
(l) special mobile equipment fees pursuant to 61-3-431;
(m) single movement permit fees pursuant to 61-4-310;
(n) state aeronautics fees pursuant to 67-3-101; and
(o) department of natural resources and conservation payments in lieu of taxes pursuant to former Title 77, chapter 1, part 5.

(3) Except as provided in subsection (7)(b), the total amount received by each local government in the prior fiscal year as an entitlement share payment under this section is the base component for the subsequent fiscal year distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. The sum of all local governments' base components is the fiscal year entitlement share pool.

(4) (a) Except as provided in subsections (4)(b)(iv) and (7)(b), the base entitlement share pool must be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year.

(b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share pool for the next fiscal year in the following manner:

(i) The department shall calculate the entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide

accounting, budgeting, and human resource system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in subsections (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporate income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.25.

(ii) Except as provided in subsections (4)(b)(iii) and (4)(b)(iv), the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. Subject to subsection (4)(b)(iv), the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment.

(iv) The entitlement share growth rate, as described in this subsection (4), is:

(A) for fiscal year 2018, 1.005;

(B) for fiscal year 2019, 1.0187;

(C) for fiscal year 2020 and thereafter, determined as provided in subsection (4)(b)(ii). The rate must be applied to the entitlement payment for the previous fiscal year as if the payment had been calculated using entitlement share growth rates for fiscal years 2018 and 2019 as provided in subsection (4)(b)(ii).

(5) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (8). The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in 2002.

(6) (a) The entitlement share pools calculated in this section, the amounts distributed under 15-1-123(4) for local governments, the funding provided for in subsection (8) of this section, and the amounts distributed under 15-1-123(5) for tax increment financing districts are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments.

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the prior fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool before the growth amount or adjustments made under subsection (7) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(7) (a) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

(b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in 15-1-123(1) and (2). The department shall calculate the portion of the entitlement share pool attributable to the reimbursement in 15-1-123(1) and (2), including the application of the growth rate in previous fiscal years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply the growth rate for that portion of the entitlement share pool as provided in 15-1-123(3).

(c) The growth amount resulting from the application of the growth rate in 15-1-123(3) must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section.

(d) The growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in [section 8].

(8) (a) Except for a tax increment financing district entitled to a reimbursement under 15-1-123(5), if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any funding. If a tax increment financing district referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b) terminates.

(b) One-half of the payments provided for in this subsection (8)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment financing districts is as follows:

Flathead	Kalispell - District 2	$4,638
Flathead	Kalispell - District 3	37,231
Flathead	Whitefish District	148,194
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1-1C	225,251
Missoula	Missoula - 4-1C	30,009

(9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing districts.

(10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(11) A local government may appeal the department's estimation of the base component, the entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(12) (a) Except as provided in 2-7-517, a payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.

(b) A payment required pursuant to this section must be withheld if a local government:

(i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and

(ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or as otherwise required by law within 45 days of the end of a month.

(c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(i) file a financial report required by 15-1-504;

(ii) remit any amounts collected on behalf of the state as required by 15-1-504; or

(iii) remit any other amounts owed to the state or another taxing jurisdiction."

Section 13. Section 15-6-134, MCA, is amended to read:

"**15-6-134. Class four property -- description -- taxable percentage -- *definitions.*** (1) Class four property includes:

(a) ~~subject to subsection (1)(c),~~ all land, except that specifically included in another class;

(b) ~~subject to subsection (1)(c):~~

(i) all improvements, including single-family residences, trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

(iii) vacant residential lots; and

(iv) rental multifamily dwelling units.

(c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202*;*

(d) ~~, including~~ 1 acre of real property beneath *residential* improvements on land described in 15-6-133(1)(c)~~. The 1 acre must be valued at market value.~~

~~(d)~~ *and* 1 acre of real property beneath an improvement used as a residence on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.

(e) real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land described in 15-6-133(1)(c) and real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The land must be valued at market value.

~~(e)~~*(f)* all commercial and industrial property, as defined in 15-1-101, and including:

(i) all commercial and industrial property that is used or owned by an individual, a business, a trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of income;

(ii) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(iii) commercial buildings and parcels of land upon which the buildings are situated; and

(iv) vacant commercial lots.

(2) If a property includes both residential and commercial uses, the property is classified and appraised as follows:

(a) the land use with the highest percentage of total value is the use that is assigned to the property; and

(b) the improvements are apportioned according to the use of the improvements.

(3) ~~(a) Except as provided in~~ *Subject to* 15-24-1402, 15-24-1501, *and* 15-24-1502, ~~and subsection~~ *class four property is taxed as provided in this subsection (3).*

(a) Except as provided in subsections (3)(b) *and (3)(c)*, class four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at ~~1.35%~~ *1.9%* of market value.

(b) (i) The tax rate for class four residential property described in subsections (1)(a), (1)(b)(i), (1)(b)(ii), and (1)(d) of this section that qualifies for the homestead reduced tax rate provided for in [section 2] or the rental property reduced tax rate provided for in [section 3] is:

(A) 0.76% for the market value that is less than or equal to the median residential value;

(B) 0.9% for the market value that is greater than the median residential value and less than 2 times the median residential value;

(C) 1.1% for the market value that is 2 times the median residential value or greater and less than 4 times the median residential value; and

(D) 1.9% for the market value that is 4 times the median residential value or greater.

(ii) The tax rate for a rental multifamily dwelling unit described in subsection (1)(b)(iv) that qualifies for the rental property reduced tax rate is 1.1%.

~~(b) The tax rate for the portion of the market value of a single-family residential dwelling in excess of $1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.~~

(c) The tax rate for a property described in subsection (1)(c) that does not qualify for the homestead reduced tax rate or the rental property reduced tax rate is 1.35%.

~~(c)~~*(d)* The tax rate for commercial *and industrial* property *described in subsections (1)(e) and (1)(f), except property described in subsection (1)(f)(ii),* is*:* ~~the residential property tax rate in subsection (3)(a) multiplied by 1.4~~

(i) for the market value less than 6 times the median commercial and industrial value, 1.5%; and

(ii) for the market value 6 times the median commercial and industrial value or greater, 1.9%.

~~(4)~~*(e)* Property described in subsection ~~(1)(e)(ii)~~ *(1)(f)(ii)* is taxed at one-half the tax rate established in subsection ~~(3)(c)~~ *(3)(d).*

(4) The department shall calculate the median residential value and median commercial and industrial value every 2 years as part of the periodic reappraisal provided for in 15-7-111.

(5) As used in this section, the following definitions apply:

(a) "Median commercial and industrial value" means the median value of class four commercial and industrial property located in the state of Montana rounded to the nearest thousand dollars.

(b) "Median residential value" means the median value of a single-family residence located in the state of Montana rounded to the nearest thousand dollars."

Section 14. Section 15-6-134, MCA, is amended to read:

"**15-6-134. Class four property -- description -- taxable percentage.** (1) Class four property includes:

(a) subject to subsection (1)(e), all land, except that specifically included in another class;

(b) subject to subsection (1)(e):

(i) all improvements, including single-family residences, trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

(iii) vacant residential lots; and

(iv) rental multifamily dwelling units.

(c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(d) 1 acre of real property beneath an improvement used as a residence on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.

(e) all commercial and industrial property, as defined in 15-1-101, and including:

(i) all commercial and industrial property that is used or owned by an individual, a business, a trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of income;

(ii) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(iii) commercial buildings and parcels of land upon which the buildings are situated; and

(iv) vacant commercial lots.

(2) If a property includes both residential and commercial uses, the property is classified and appraised as follows:

(a) the land use with the highest percentage of total value is the use that is assigned to the property; and

(b) the improvements are apportioned according to the use of the improvements.

(3) (a) Except as provided in 15-24-1402, 15-24-1501, 15-24-1502, and subsection (3)(b), class four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at ~~1.35%~~ *0.76%* of market value.

(b) The tax rate for the portion of the market value of a single-family residential dwelling in excess of $1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.

(c) The tax rate for commercial property is ~~the residential property tax rate in subsection (3)(a) multiplied by 1.4~~ *1.89%*.

(4) Property described in subsection (1)(e)(ii) is taxed at one-half the tax rate established in subsection (3)(c)."

Section 15. Section 15-7-102, MCA, is amended to read:

"**15-7-102. Notice of classification, market value, and taxable value to owners -- appeals.** (1) (a) Except as provided in 15-7-138, the department shall mail or provide electronically to each owner or purchaser under contract for deed a notice that includes the land classification, market value, and taxable value of the land and improvements owned or being purchased. A notice must be mailed or, with property owner consent, provided electronically to the owner only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

(i) change in ownership;

(ii) change in classification;

(iii) change in valuation; or

(iv) addition or subtraction of personal property affixed to the land.

(b) The notice must include the following for the taxpayer's informational and informal classification and appraisal review purposes:

(i) a notice of the availability of all the property tax assistance programs available to property taxpayers, including the intangible land value assistance program provided for in 15-6-240, the property tax assistance programs provided for in Title 15, chapter 6, part 3, *the homestead reduced tax rate provided for in [section 2], the rental property reduced tax rate provided for in [section 3],* and the residential property tax credit for the elderly provided for in 15-30-2337 through 15-30-2341;

(ii) the total amount of mills levied against the property in the prior year;

(iii) the market value for the prior reappraisal cycle;

(iv) if the market value has increased by more than 10%, an explanation for the increase in valuation;

(v) a statement that the notice is not a tax bill; and

(vi) a taxpayer option to request an informal classification and appraisal review by checking a box on the notice and returning it to the department.

(c) When the department uses an appraisal method that values land and improvements as a unit, including the sales comparison approach for

residential condominiums or the income approach for commercial property, the notice must contain a combined appraised value of land and improvements.

(d) Any misinformation provided in the information required by subsection (1)(b) does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(2) (a) Except as provided in subsection (2)(c), the department shall assign each classification and appraisal to the correct owner or purchaser under contract for deed and mail or provide electronically the notice in written or electronic form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(c) The department is not required to mail or provide electronically the notice to a new owner or purchaser under contract for deed unless the department has received the realty transfer certificate from the clerk and recorder as provided in 15-7-304 and has processed the certificate before the notices required by subsection (2)(a) are mailed or provided electronically. The department shall notify the county tax appeal board of the date of the mailing or the date when the taxpayer is informed the information is available electronically.

(3) (a) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market value of the property as determined by the department or with the classification of the land or improvements, the owner may request an informal classification and appraisal review by submitting an objection on written or electronic forms provided by the department for that purpose or by checking a box on the notice and returning it to the department in a manner prescribed by the department.

(i) For property other than class three property described in 15-6-133, class four property described in 15-6-134, class ten property described in 15-6-143, and centrally assessed property described in 15-23-101, the objection must be submitted within 30 days from the date on the notice.

(ii) For class three property described in 15-6-133, class four property described in 15-6-134, and class ten property described in 15-6-143, the objection may be made only once each valuation cycle. An objection must be made in writing or by checking a box on the notice within 30 days from the date on the classification and appraisal notice for a reduction in the appraised value to be considered for both years of the 2-year valuation cycle. An objection made more than 30 days from the date of the classification and appraisal notice will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to the second year of the valuation cycle, the taxpayer shall make the objection in writing or by checking a box on the notice no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is received in the second year of the valuation cycle, within 30 days from the date on the notice.

(iii) For centrally assessed property described in 15-23-101(2)(a), the objection must be submitted within 20 days from the date on the notice. A taxpayer may submit an objection up to 10 days after this deadline on request to the department.

(iv) (A) For centrally assessed property described in 15-23-101(2)(b) and (2)(c), an objection to the valuation or classification may be made only once each valuation cycle. An objection must be made in writing within the time period specified in subsection (3)(a)(iii) for a reduction in the appraised value

to be considered for both years of the 2-year valuation cycle. An objection made after the deadline specified in subsection (3)(a)(iii) will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to the second year of the valuation cycle, the taxpayer shall make the objection in writing no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is received in the second year of the valuation cycle, within the time period specified in subsection (3)(a)(iii).

(B) If a property owner has exhausted the right to object to a valuation, as provided for in subsection (3)(a)(iv)(A), the property owner may ask the department to consider extenuating circumstances to adjust the value of property described in 15-23-101(2)(b) or (2)(c). Occurrences that may result in an adjustment to the value include but are not limited to extraordinary, unusual, or infrequent events that are material in nature and of a character different from the typical or customary business operations, that are not expected to recur frequently, and that are not normally considered in the evaluation of the operating results of a business, including bankruptcies, acquisitions, sales of assets, or mergers.

(b) If the objection relates to residential or commercial property and the objector agrees to the confidentiality requirements, the department shall provide to the objector, by posted mail or electronically, within 8 weeks of submission of the objection, the following information:

(i) the methodology and sources of data used by the department in the valuation of the property; and

(ii) if the department uses a blend of evaluations developed from various sources, the reasons that the methodology was used.

(c) At the request of the objector or a representative of the objector, and only if the objector or representative signs a written or electronic confidentiality agreement, the department shall provide in written or electronic form:

(i) comparable sales data used by the department to value the property;

(ii) sales data used by the department to value residential property in the property taxpayer's market model area; and

(iii) if the cost approach was used by the department to value residential property, the documentation required in 15-8-111(3) regarding why the comparable sales approach was not reliable.

(d) For properties valued using the income approach as one approximation of market value, notice must be provided that the taxpayer will be given a form to acknowledge confidentiality requirements for the receipt of all aggregate model output that the department used in the valuation model for the property.

(e) The review must be conducted informally and is not subject to the contested case procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual selling price of the property and other relevant information presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The department shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was completed within 6 months of the valuation date pursuant to 15-8-201. If the department does not use the appraisal provided by the taxpayer in conducting the appeal, the department shall provide to the taxpayer the reason for not using the appraisal. The department shall give reasonable notice to the taxpayer of the time and place of the review.

(f) After the review, the department shall determine the correct appraisal and classification of the land or improvements and notify the taxpayer of its determination by mail or electronically. The department may not determine an appraised value that is higher than the value that was the subject of the

objection unless the reason for an increase was the result of a physical change in the property or caused by an error in the description of the property or data available for the property that is kept by the department and used for calculating the appraised value. In the notification, the department shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an appraisal or classification upon the taxpayer's objection unless:

(a) the taxpayer has submitted an objection on written or electronic forms provided by the department or by checking a box on the notice; and

(b) the department has provided to the objector by mail or electronically its stated reason in writing for making the adjustment.

(5) A taxpayer's written objection or objection made by checking a box on the notice and supplemental information provided by a taxpayer that elects to check a box on the notice to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. The department shall make the records available for inspection during regular office hours.

(6) Except as provided in 15-2-302 and 15-23-102, if a property owner feels aggrieved by the classification or appraisal made by the department after the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the department's determination. A county tax appeal board or the Montana tax appeal board may consider the actual selling price of the property, independent appraisals of the property, negative property features that differentiate the subject property from the department's comparable sales, and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the Montana tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order."

Section 16. Section 15-15-101, MCA, is amended to read:

"**15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and with the members to serve staggered terms of 3 years each. The members of each county tax appeal board must be residents of the county in which they serve. A person may not be a member of a county tax appeal board if the person was an employee of the department less than 36 months before the date of appointment.

(2) (a) The members receive compensation as provided in subsection (2)(b) and travel expenses, as provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the Montana tax appeal board. Travel expenses and compensation must be paid from the appropriation to the Montana tax appeal board.

(b) (i) The daily compensation for a member is as follows:

(A) $45 for 4 hours of work or less; and

(B) $90 for more than 4 hours of work.

(ii) For the purpose of calculating work hours in this subsection (2)(b), work includes hearing tax appeals, deliberating with other board members, and attending meetings called by the Montana tax appeal board.

(3) Office space and equipment for the county tax appeal boards must be furnished by the county. All other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

(4) The county tax appeal board shall hold an organizational meeting each year on the date of its first scheduled hearing, immediately before conducting the business for which the hearing was otherwise scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the board. The county tax appeal board shall continue in session from July 1 of the current tax year until December 31 of the current tax year to hear protests concerning assessments made by the department until the business of hearing protests is disposed of and may meet after December 31 to hear an appeal at the discretion of the county tax appeal board.

(5) In counties that have appointed more than three members to the county tax appeal board, only three members shall hear each appeal. The presiding officer shall select the three members hearing each appeal.

(6) In connection with an appeal, the county tax appeal board may change any assessment or fix the assessment at some other level *and determine eligibility for the homestead reduced tax rate provided for in [section 2] or the rental property reduced tax rate provided for in [section 3]*. Upon notification by the county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers, giving the time the county tax appeal board will be in session to hear scheduled protests concerning assessments and the latest date the county tax appeal board may take applications for the hearings. The notice must be published in a newspaper if any is printed in the county or, if none, then in the manner that the county tax appeal board directs. The notice must be published by May 15 of the current tax year.

(7) Challenges to a department rule governing the assessment of property or to an assessment procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in 15-1-406."

Section 17. Section 15-15-102, MCA, is amended to read:

"**15-15-102. Application for reduction in valuation -- *reduced tax rate.*** (1) The *county tax appeal board may not reduce the* valuation of property ~~may not be reduced by the county tax appeal board~~ *or review eligibility for the homestead reduced tax rate provided for in [section 2] or the rental property reduced tax rate provided for in [section 3]* unless either the taxpayer or the taxpayer's agent makes and files a written application ~~for reduction~~ with the county tax appeal board.

(2) The application ~~for reduction~~ may be obtained at the local appraisal office or from the county tax appeal board. The completed application must be submitted to the county clerk and recorder. The date of receipt is the date stamped on the appeal form by the county clerk and recorder upon receipt of the form. The county tax appeal board is responsible for obtaining the applications from the county clerk and recorder.

(3) One application ~~for reduction~~ may be submitted during each valuation cycle. The application must be submitted within the time periods provided for in 15-7-102(3)(a) *and [section 5]*.

(4) A taxpayer who receives an informal review by the department of revenue as provided in 15-7-102(3)(a)(i) and (3)(a)(ii) *or [section 5]* may appeal the decision of the department of revenue to the county tax appeal board as

provided in 15-7-102(6). The taxpayer may not file a subsequent application ~~for reduction~~ for the same property with the county tax appeal board during the same valuation cycle.

(5) If the department's determination after review is not made in time to allow the county tax appeal board to review the matter during the current tax year, the appeal must be reviewed during the next tax year, but the decision by the county tax appeal board is effective for the year in which the request for review was filed with the department. The application must state the post-office address of the applicant, specifically describe the property involved, and state the facts upon which it is claimed the reduction should be made."

Section 18. Section 15-15-103, MCA, is amended to read:

"**15-15-103. Examination of applicant -- failure to hear application.** (1) Before the county tax appeal board grants any application or makes any reduction applied for, it shall examine on oath the person or agent making the application with regard to the value of the property of the person *or eligibility for the homestead reduced tax rate provided for in [section 2] or the rental property reduced tax rate provided for in [section 3]*. A reduction may not be made unless the applicant makes an application, as provided in 15-15-102, and attends the county board hearing. An appeal of the county board's decision may not be made to the Montana tax appeal board unless the person or the person's agent has exhausted the remedies available through the county board. In order to exhaust the remedies, the person or the person's agent shall attend the county board hearing. On written request by the person or the person's agent and on the written concurrence of the department, the county board may waive the requirement that the person or the person's agent attend the hearing. The testimony of all witnesses at the hearing and the deliberation of the county tax appeal board in rendering a decision must be electronically recorded and preserved for 1 year. If the decision of the county board is appealed, the record of the proceedings, including the electronic recording of all testimony and the deliberation of the county tax appeal board, must be forwarded, together with all exhibits, to the Montana board. The date of the hearing, the proceedings before the county board, and the decision must be entered upon the minutes of the county board, and the county board shall notify the applicant of its decision by mail within 3 days. A copy of the minutes of the county board must be transmitted to the Montana board no later than 3 days after the county board holds its final hearing of the year.

(2) (a) Except as provided in 15-15-201, if a county board refuses or fails to hear a taxpayer's timely application for a reduction in valuation of property *or eligibility for a reduced tax rate*, the taxpayer's application is considered to be granted on the day following the county board's final meeting for that year. The department shall enter the appraisal*,* ~~or~~ classification*, or tax rate* sought in the application in the property tax record. An application is not automatically granted for the following appeals:

(i) those listed in 15-2-302(1); and

(ii) if a taxpayer's appeal from the department's determination of classification or appraisal made pursuant to 15-7-102 was not received in time, as provided for in 15-15-102, to be considered by the county board during its current session.

(b) The county board shall provide written notification of each application that was automatically granted pursuant to subsection (2)(a) to the department, the Montana board, and any affected municipal corporation. The notice must include the name of the taxpayer and a description of the subject property.

(3) The county tax appeal board shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana

board of real estate appraisers and the appraisal was conducted within 6 months of the valuation date. If the county tax appeal board does not use the appraisal provided by the taxpayer in conducting the appeal, the county board shall provide to the taxpayer the reason for not using the appraisal."

Section 19. Section 15-16-101, MCA, is amended to read:

"**15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the receipt of the property tax record, the county treasurer shall publish a notice specifying:

(a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount then due will be delinquent and will draw interest at the rate of 5/6 of 1% a month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty;

(b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the rate of 5/6 of 1% a month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty; and

(c) the time and place at which payment of taxes may be made.

(2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice, postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due and delinquent for other years. The written notice must include:

(i) the taxable value of the property;

(ii) the total mill levy applied to that taxable value;

(iii) itemized city services and special improvement district assessments collected by the county;

(iv) the number of the school district in which the property is located;

(v) the amount of the total tax due itemized by mill levy that is levied as city tax, county tax, state tax, school district tax, and other tax;

(vi) an indication of which mill levies are voted levies, including voted levies to impose a new mill levy, to increase a mill levy that is required to be submitted to the electors, or to exceed the mill levy limit provided for in 15-10-420;

(vii) except as provided in subsection (2)(c), an itemization of the taxes due for each mill levy and a comparison to the amount due for each mill levy in the prior year; and

(viii) a notice of the availability of all the property tax assistance programs available to property taxpayers, including the intangible land value assistance program provided for in 15-6-240, the property tax assistance programs under Title 15, chapter 6, part 3, *the homestead reduced tax rate provided for in [section 2], the rental property reduced tax rate provided for in [section 3],* and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341.

(b) If a tax lien is attached to the property, the notice must also include, in a manner calculated to draw attention, a statement that a tax lien is attached to the property, that failure to respond will result in loss of property, and that the taxpayer may contact the county treasurer for complete information.

(c) The information required in subsection (2)(a)(vii) may be posted on the county treasurer's website instead of being included on the written notice.

(3) The municipality shall, upon request of the county treasurer, provide the information to be included under subsection (2)(a)(iii) ready for mailing.

(4) The notice in every case must be given as provided in 7-1-2121. Failure to publish or post notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the current year or of delinquent tax will not affect the legality of the tax.

(5) If the department revises an assessment that results in an additional tax of $5 or less, an additional tax is not owed and a new tax bill does not need to be prepared."

Section 20. Section 15-17-125, MCA, is amended to read:

"**15-17-125. Attachment of tax lien and preparation of tax lien certificate.** (1) (a) The county treasurer shall attach a tax lien no later than the first working day in August to properties on which the taxes are delinquent and for which proper notification was given as provided in 15-17-122 and subsection (4) of this section. Upon attachment of a tax lien, the county is the possessor of the tax lien unless the tax lien is assigned pursuant to 15-17-323.

(b) The county treasurer may not attach a tax lien to a property on which taxes are delinquent but for which proper notice was not given.

(2) After attaching a tax lien, the county treasurer shall prepare a tax lien certificate that must contain:

(a) the date on which the property taxes became delinquent;

(b) the date on which a property tax lien was attached to the property;

(c) the name and address of record of the person to whom the taxes were assessed;

(d) a description of the property on which the taxes were assessed;

(e) a separate listing of the amount of the delinquent taxes, penalties, interest, and costs;

(f) a statement that the tax lien certificate represents a lien on the property that may lead to the issuance of a tax deed for the property;

(g) a statement specifying the date on which the county or an assignee will be entitled to a tax deed; and

(h) an identification number corresponding to the tax lien certificate.

(3) The tax lien certificate must be signed by the county treasurer. A copy of the tax lien certificate must be filed by the treasurer in the office of the county clerk. A copy of the tax lien certificate must also be mailed to the person to whom the taxes were assessed, at the address of record, together with a notice that the person may contact the county treasurer for further information on property tax liens.

(4) Prior to attaching a tax lien to the property, the county treasurer shall send notice of the pending attachment of a tax lien to the person to whom the property was assessed. The notice must include the information listed in subsection (2), state that the tax lien may be assigned to a third party, and provide notice of the availability of all the property tax assistance programs available to property taxpayers, including the property tax assistance programs under Title 15, chapter 6, part 3, *the homestead reduced tax rate provided for in [section 2], the rental property reduced tax rate provided for in [section 3],* and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341. The notice must have been mailed at least 2 weeks prior to the date on which the county treasurer attaches the tax lien.

(5) The county treasurer shall file the tax lien certificate with the county clerk and recorder."

Section 21. Section 15-30-2120, MCA, is amended to read:

"**15-30-2120. Adjustments to federal taxable income to determine Montana taxable income.** (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest except to the extent already included in federal taxable income;

(b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(c) depreciation or amortization taken on a title plant as defined in 33-25-105;

(d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661;

(g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family residence;

(i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction claimed;

(j) for an individual taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c); and

(k) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C 164(a)(3).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2) and (3)(b) through ~~(3)(o)~~ *(3)(p)*;

(b) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(c) (i) salary received from the armed forces by residents of Montana who are serving on active duty in the regular armed forces and who entered into active duty from Montana;

(ii) the salary received by residents of Montana for active duty in the national guard. For the purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(A) Title 10, U.S.C.; or

(B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation.

(iii) the amount received by a beneficiary pursuant to 10-1-1201; and

(iv) all payments made under the World War I bonus law, the Korean bonus law, and the veterans' bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law, Korean bonus law, and the veterans' bonus law is considered an overpayment and must be refunded upon the filing of an amended return and a verified claim for refund on forms prescribed by the department in the same manner as other income tax refund claims are paid.

(d) annual contributions and income in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(e) contributions or earnings withdrawn from a family education savings account provided for in Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(f) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(g) for each taxpayer that has attained the age of 65, an additional subtraction of $5,500;

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104;

(i) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1;

(j) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not previously allowed as a deduction for Montana income tax purposes;

(k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(l) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163;

(m) payments from the Montana end of watch trust as provided in 2-15-2041;

(n) (i) subject to subsection (9), a portion of military pensions or military retirement income as calculated pursuant to subsection (8) that is received by a retired member of:

(A) the armed forces of the United States, as defined in 10 U.S.C. 101;

(B) the Montana army national guard or the army national guard of other states;

(C) the Montana air national guard or the air national guard of other states; or

(D) a reserve component, as defined in 38 U.S.C. 101, of the United States armed forces; and

(ii) subject to subsection (9), up to 50% of all income received as survivor benefits for military service provided for in subsection (3)(n)(i)(A) through (3)(n)(i)(D); ~~and~~

(o) the amount of the property tax rebate received under 15-1-2302*; and*

(p) the amount of the property tax rebate received under [section 10].

(4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (5)(a) applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced federal taxable income.

(b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for in 15-62-208.

(6) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

(b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in 53-25-118.

(7) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for that tax year, rounding the result to the nearest $10. The resulting amount is effective for that tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g).

(8) (a) Subject to subsection (9), the subtraction in subsection (3)(n)(i) is equal to the lesser of:

(i) the amount of Montana source wage income on the return; or

(ii) 50% of the taxpayer's military pension or military retirement income.

(b) For the purposes of subsection (8)(a)(i), "Montana source wage income" means:

(i) wages, salary, tips, and other compensation for services performed in the state;

(ii) net income from a trade, business, profession, or occupation carried on in the state; and

(iii) net income from farming activities carried on in the state.

(9) The subtractions in subsection (3)(n):

(a) may only be claimed by a person who:

(i) becomes a resident of the state after June 30, 2023; or

(ii) was a resident of the state before receiving military pension or military retirement income and remained a resident after receiving military pension or military retirement income;

(b) may only be claimed for 5 consecutive years after satisfying the provisions of subsection (9)(a); and

(c) are not available if a taxpayer claimed the exemption before becoming a nonresident. (Subsection (3)(o) terminates June 30, 2025--sec. 10, Ch. 47, L. 2023; subsections (3)(n), (8), and (9) terminate December 31, 2033--sec. 4, Ch. 650, L. 2023.)"

Section 22. Property tax assistance account. (1) There is a state property tax assistance account in the state special revenue fund established in 17-2-102 to the credit of the department of revenue. The revenue allocated to the account must be used to provide property tax assistance.

(2) The department shall use money in the account to provide rebates pursuant to [section 10].

Section 23. Codification instruction. (1) [Sections 1 through 7] are intended to be codified as an integral part of Title 15, chapter 6, and the provisions of Title 15, chapter 6, apply to [sections 1 through 7].

(2) [Section 8] is intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [section 8].

(3) [Sections 9 through 11] are intended to be codified as an integral part of Title 15, chapter 1, and the provisions of Title 15, chapter 1, apply to [sections 9 through 11].

(4) [Section 22] is intended to be codified as an integral part of Title 15, chapter 1, and the provisions of Title 15, chapter 1, apply to [section 22].

Section 24. Effective dates -- contingency. (1) Except as provided in subsections (2) and (3), [this act] is effective on passage and approval.

(2) [Sections 1 through 6, 13, and 15 through 20] are effective January 1, 2026.

(3) [Sections 8 and 12] are effective on the date that the department of revenue certifies to the code commissioner that a court of final disposition finds that [section 7] is invalid. The department of revenue shall submit certification within 30 days of the occurrence of the contingency.

Section 25. Transfer of funds. The state treasurer shall transfer $90 million from the general fund to the property tax assistance account provided for in [section 22] by July 1, 2025.

Section 26. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 27. Coordination instruction. If both Senate Bill No. 542 and [this act] are passed and approved, then [sections 1 through 23 and 25, 33, and 34 of this act] are void and [section 14 of Senate Bill No. 542] must be amended as follows:

"**15-6-134. Class four property -- description -- taxable percentage.** (1) Class four property includes:

(a) ~~subject to subsection (1)(e),~~ all land, except that specifically included in another class;

(b) ~~subject to subsection (1)(e):~~

(i) all improvements, including single-family residences, trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

(iii) vacant residential lots; and

(iv) rental multifamily dwelling units.

(c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202~~, including~~*;*

(d) 1 acre of real property beneath residential improvements on land described in 15-6-133(1)(c)~~. The 1 acre must be valued at market value.~~

~~(d)~~ *and* 1 acre of real property beneath an improvement used as a residence on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.

(e) real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land described in 15-6-133(1)(c) and real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The land must be valued at market value.

~~(e)~~*(f)* all commercial and industrial property, as defined in 15-1-101, and including:

(i) all commercial and industrial property that is used or owned by an individual, a business, a trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of income;

(ii) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(iii) commercial buildings and parcels of land upon which the buildings are situated; and

(iv) vacant commercial lots.

(2) If a property includes both residential and commercial uses, the property is classified and appraised as follows:

(a) the land use with the highest percentage of total value is the use that is assigned to the property; and

(b) the improvements are apportioned according to the use of the improvements.

(3) (a) Except as provided in 15-24-1402, 15-24-1501, 15-24-1502, and subsection (3)(b), class four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at ~~1.35% of market value~~ *a graduated rate as follows:*

(i) 0.76% for the first $400,000 of market value;

(ii) 1.1% for the market value that is greater than $400,000 and up to $1.5 million; and

(iii) 2.2% for the market value that is greater than $1.5 million.

~~(b) The tax rate for the portion of the market value of a single-family residential dwelling in excess of $1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.~~

(b) The maximum graduated rate for multifamily dwelling units described in subsection (1)(b)(iv) with a market value of greater than $2 million is 1.89%.

~~(c)~~*(4) (a)* ~~The~~ *Except as provided in subsection (4)(c), the* tax rate for commercial *and industrial* property ~~is the residential property tax rate in subsection (3)(a) multiplied by 1.4~~ *described in subsections (1)(e) and (1)(f) in excess of $400,000 is 1.89%.*

(b) The tax rate for the first $400,000 of market value for commercial and industrial property is 1.4%.

~~(4)~~*(c)* Property described in subsection ~~(1)(e)(ii)~~ *(1)(f)(ii)* is taxed at one-half the tax rate established in subsection ~~(3)(c)~~ *(4).*"

Section 28. Coordination instruction. If Senate Bill No. 542, House Bill No. 863, and [this act] are passed and approved, then the section in House Bill No. 863 that coordinates with [this act] is void.

Section 29. Coordination instruction. If both Senate Bill No. 542 and [this act] are passed and approved, then [sections 1 through 23 and 25 of this act] are void and [section 4 of Senate Bill No. 542] must be amended as follows:

Section 4. Legislative findings -- local government charters and fixed mill levy limits superseded. (1) (a) The legislature finds that most local governments set mill levies that adjust downward when taxable value increases under 15-10-420. This floating mill levy concept automatically lowers the number of mills levied against a taxpayer when property values increase, which mitigates increases in property values. However, when mill levies are fixed, the opposite occurs when property values increase, and property taxes are not automatically mitigated for taxpayers that are levied based on a fixed mill levy.

(b) The legislature finds further that it is prohibited under Article VIII, section 2, of the Montana constitution, from suspending or contracting away the power to tax. The legislature also recognizes and respects the power of local governments under Article XI, section 5, of the Montana constitution to adopt, amend, revise, or abandon a charter.

(2) As a matter of policy, the legislature intends to supersede local government charters that fix mill levy limits for the limited purpose of exercising the power to tax while also maintaining local government revenue sources without raising taxes on residential taxpayers. Having considered all options on a statewide basis, the legislature finds the statutory structure of the property tax has evolved significantly since the passage of Initiative Measure No. 105 on November 4, 1986, and the enactment of 15-10-420 by the legislature in 1999. Given the significant change in the structure of the property tax and the rising cost of residential property in the last 5 years, there is a compelling interest to all the citizens of the state to lower residential property tax rates for primary residences, which can only be accomplished by this section and 15-10-420.

(3) A local government with a charter form of government that includes a mill levy limit of a specific number of mills that may be imposed in the charter shall levy the number of mills in fiscal year 2026 and subsequent tax years that will generate the amount of property taxes assessed in fiscal year 2025, without amending or revising the charter. In fiscal years after 2026, the local government ~~shall~~ *may* levy *an amount not to exceed* the number of mills levied in fiscal year 2026.

(4) A taxing entity with a local mill levy limit of a specific number of mills that may be imposed that was authorized by the voters before [the effective date of this section], shall:

(a) elect to transition a voted mill levy to a dollar-based mill levy equal to the amount of property taxes assessed in fiscal year 2025 and thereafter subject to the provisions of 15-10-420(1)(a); or

(b) levy the number of mills in fiscal year 2026 that will generate the amount of property taxes assessed in fiscal year 2025. In fiscal years after 2026, the local government ~~shall~~ *may* levy *an amount not to exceed* the number of mills levied in fiscal year 2026."

Section 30. Appropriation. (1) There is appropriated $500,000 from the general fund to the department of revenue for the fiscal year ending June 30, 2025, to implement [this act]. The legislature intends this to be an addition to the "Property Tax Revision Implementation" appropriation in House Bill No. 2.

(2) There is appropriated $3.5 million from the general fund to the department of revenue for the fiscal year ending June 30, 2026, to implement [this act]. The legislature intends this to be an addition to the "Property Tax Revision Implementation" appropriation in House Bill No. 2.

Section 31. Coordination instruction. If Senate Bill No. 542 and [this act] are both passed and approved, then [sections 1 through 23, 25, and 30 of this act] are void and Senate Bill No. 542 must be amended to include a new section that reads:

Section 32. Appropriation. (1) There is appropriated $500,000 from the general fund to the department of revenue for the fiscal year ending June 30, 2025, to implement [this act]. The legislature intends this to be an addition to the "Property Tax Revision Implementation" appropriation in House Bill No. 2.

(2) There is appropriated $3.5 million from the general fund to the department of revenue for the fiscal year ending June 30, 2026, to implement [this act]. The legislature intends this to be an addition to the "Property Tax Revision Implementation" appropriation in House Bill No. 2."

Section 32. Applicability– retroactive applicability. (1) Except as provided in subsection (2), [this act] applies retroactively to property tax years beginning after December 31, 2024.

(2) [Sections 1 through 6, 13, and 15 through 20] apply to property tax years beginning after December 31, 2025.

Section 33. Termination. (1) [Section 14] terminates December 31, 2025.

(2) [Sections 9 through 11 and 21] terminate June 30, 2026.

Section 34. Contingent termination. [Sections 8 and 12] terminate on the date that the department of revenue certifies to the code commissioner that reimbursements authorized pursuant to [section 8] have been completed. The department of revenue shall submit certification within 30 days of the occurrence of the contingency.

Approved May 13, 2025

CHAPTER NO. 675

[HB 329]

AN ACT ENCOURAGING THE FORMATION OF AMMUNITION COMPONENTMANUFACTURINGBUSINESSESINMONTANA;PROVIDING EXEMPTIONS FROM PROPERTY TAXES, INDIVIDUAL INCOME TAXES, CORPORATE INCOME TAXES, AND OTHER BUSINESS-RELATED TAXES TO A MANUFACTURER OF AMMUNITION COMPONENTS; PROVIDING EXEMPTIONS FROM INDIVIDUAL INCOME TAXES AND CORPORATE INCOME TAXES TO AN INVESTOR OR LENDER THAT PROVIDES LOANS TO A MANUFACTURER OF AMMUNITION COMPONENTS; AMENDING SECTIONS 15-6-219, 15-30-2120, AND 15-31-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE.

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

Section 1. Tax exemption for manufacturing of ammunition components -- conditions -- real property exemption applies to safety zone. (1) A person or entity in this state engaged in the primary business of the manufacture of ammunition components that meets the conditions in subsections (2) through (4) is exempt from:

(a) property taxes levied for state educational purposes under 20-9-331, 20-9-333, 20-9-360, and 20-25-439;

(b) the business equipment tax levied pursuant to 15-6-138;

(c) individual income taxes as provided in Title 15, chapter 30;

(d) corporate income or alternative corporate income taxes as provided in Title 15, chapter 31; and

(e) any other tax on business activity levied by the state, except:

(i) the local portion of property tax not exempt under subsection (1)(a); or

(ii) an employer's share of employee payroll taxes that are used to finance state-mandated programs, including unemployment insurance and workers' compensation.

(2) A person or entity in this state engaged in the primary business of the manufacture of ammunition components is exempt from taxation as provided under subsection (1) if the person's or entity's business meets the following conditions:

(a) the products of the business are and remain available to commercial and individual consumers in the state;

(b) the business sells its products to in-state commercial and individual consumers for a price no greater than that for out-of-state purchasers, including any products that leave the state regardless of destination or purchaser; and

(c) the business does not enter into any agreement or contract that could actually or potentially command or commit all of its production to out-of-state consumers or interfere with or prohibit sales and provision of products to in-state consumers.

(3) The exemptions allowed under subsection (1) apply only to the property, income, and business activity attributable to the manufacture of ammunition components.

(4) The real property exemption allowed under subsection (1)(a) encompasses any property within 500 yards of a structure used for the manufacture of ammunition components or of any structure used for storage of products manufactured onsite.

Section 2. Tax exemptions for providing loans to manufacturer of ammunition components -- conditions. (1) Subject to subsection (2), a lender or investor that provides loans to a person or entity in this state engaged in the primary business of the manufacture of ammunition components under the provisions of [section 1] is exempt from:

(a) individual income taxes as provided in Title 15, chapter 30; and

(b) corporate income or alternative corporate income taxes as provided in Title 15, chapter 31.

(2) The exemption provided for in this section:

(a) does not apply to an employer's share of employee payroll taxes that are used to finance state-mandated programs, including unemployment insurance and workers' compensation; and

(b) may be claimed only for income attributable to providing a bona fide loan in an arms' length transaction to a manufacturer of ammunition components that satisfies the conditions of [section 1].

Section 3. Manufacturer of ammunition components -- exemption from statewide property taxes. As provided in [section 1], property used in the manufacture of ammunition components is exempt from the property taxes levied for state educational purposes under 20-9-331, 20-9-333, 20-9-360, and 20-25-439. The exemption must be administered and applied for as provided in [sections 1 and 2].

Section 4. Section 15-6-219, MCA, is amended to read:

"**15-6-219. Personal and other property exemptions.** (1) The following categories of property are exempt from taxation:

(a) harness, saddlery, and other tack equipment;

(b) the first $15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(i) construct, repair, and maintain improvements to real property; or

(ii) repair and maintain machinery, equipment, appliances, or other personal property;

(c) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(d) a bicycle or a moped, as defined in 61-8-102, used by the owner for personal transportation purposes;

(e) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(i) the acquired cost of the personal property is less than $15,000;

(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(iii) the lease of the personal property is generally on an hourly, daily, weekly, semimonthly, or monthly basis;

(f) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(g) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(h) air and water pollution control and carbon capture equipment, as defined in 15-6-135, placed in service after January 1, 2014;

(i) a housetrailer, manufactured home, or mobile home that receives an exemption from the department based on abandonment, as provided in 15-6-242; ~~and~~

(j) fiber optic or coaxial cable, as defined in 15-6-156, installed and placed in service on or after July 1, 2021, for a period of 5 years starting from the date placed in service as provided in 15-6-156, if the owner of fiber optic or coaxial cable reinvests the tax savings from the exemption by installing and placing in service new fiber optic or coaxial cable in Montana within 2 years from the date the owner first claimed the exemption provided for in this subsection (1)(j) without charging those costs to the consumer. The cost of installing or placing into service fiber optic or coaxial cable with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive. An entity that claims a tax exemption under this subsection (1)(j) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable in Montana. The property owners shall make those records available to the department for inspection ~~upon~~ *on* request.

(k) personal property used in the manufacture of ammunition components as provided in [section 1].

(2) (a) The property taxes exempted from taxation by subsection (1)(j) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable in Montana as provided for in subsection (1)(j) or otherwise violates the provisions of this section.

(b) ~~Upon~~ *On* notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of this section was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.

(c) The recapture of abated taxes may be cancelled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

Section 5. Section 15-30-2120, MCA, is amended to read:

"**15-30-2120. Adjustments to federal taxable income to determine Montana taxable income.** (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest except to the extent already included in federal taxable income;

(b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(c) depreciation or amortization taken on a title plant as defined in 33-25-105;

(d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661;

(g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family residence;

(i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction claimed;

(j) for an individual taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c); and

(k) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2) and (3)(b) through (3)~~(o)~~*(q)*;

(b) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(c) (i) salary received from the armed forces by residents of Montana who are serving on active duty in the regular armed forces and who entered into active duty from Montana;

(ii) the salary received by residents of Montana for active duty in the national guard. For the purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(A) Title 10, U.S.C.; or

(B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation.

(iii) the amount received by a beneficiary pursuant to 10-1-1201; and

(iv) all payments made under the World War I bonus law, the Korean bonus law, and the veterans' bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law, Korean bonus law, and the veterans' bonus law is considered an overpayment and must be refunded upon the filing of an amended return and a verified claim for refund on forms prescribed by the department in the same manner as other income tax refund claims are paid.

(d) annual contributions and income in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(e) contributions or earnings withdrawn from a family education savings account provided for in Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(f) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(g) for each taxpayer that has attained the age of 65, an additional subtraction of $5,500;

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104;

(i) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1;

(j) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not previously allowed as a deduction for Montana income tax purposes;

(k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(l) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163;

(m) payments from the Montana end of watch trust as provided in 2-15-2041;

(n) (i) subject to subsection (9), a portion of military pensions or military retirement income as calculated pursuant to subsection (8) that is received by a retired member of:

(A) the armed forces of the United States, as defined in 10 U.S.C. 101;

(B) the Montana army national guard or the army national guard of other states;

(C) the Montana air national guard or the air national guard of other states; or

(D) a reserve component, as defined in 38 U.S.C. 101, of the United States armed forces; and

(ii) subject to subsection (9), up to 50% of all income received as survivor benefits for military service provided for in subsection (3)(n)(i)(A) through (3)(n)(i)(D); ~~and~~

(o) the amount of the property tax rebate received under 15-1-2302~~.~~*;*

(p) income received from the manufacture of ammunition components by an entity, owner, or partner engaged in the primary business of the manufacture of ammunition components as provided in [section 1]; and

(q) income attributable to providing a bona fide loan in an arms' length transaction to a manufacturer of ammunition components as provided in [section 2].

(4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (5)(a) applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced federal taxable income.

(b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for in 15-62-208.

(6) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

(b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in 53-25-118.

(7) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for that tax year, rounding the result to the nearest $10. The resulting amount is effective for

that tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g).

(8) (a) Subject to subsection (9), the subtraction in subsection (3)(n)(i) is equal to the lesser of:

(i) the amount of Montana source wage income on the return; or

(ii) 50% of the taxpayer's military pension or military retirement income.

(b) For the purposes of subsection (8)(a)(i), "Montana source wage income" means:

(i) wages, salary, tips, and other compensation for services performed in the state;

(ii) net income from a trade, business, profession, or occupation carried on in the state; and

(iii) net income from farming activities carried on in the state.

(9) The subtractions in subsection (3)(n):

(a) may only be claimed by a person who:

(i) becomes a resident of the state after June 30, 2023; or

(ii) was a resident of the state before receiving military pension or military retirement income and remained a resident after receiving military pension or military retirement income;

(b) may only be claimed for 5 consecutive years after satisfying the provisions of subsection (9)(a); and

(c) are not available if a taxpayer claimed the exemption before becoming a nonresident. (Subsection (3)(o) terminates June 30, 2025--sec. 10, Ch. 47, L. 2023; subsections (3)(n), (8), and (9) terminate December 31, 2033--sec. 4, Ch. 650, L. 2023.)"

Section 6. Section 15-31-113, MCA, is amended to read:

"**15-31-113. Gross income and net income.** (1) The term "gross income" means all income recognized in determining the corporation's gross income for federal income tax purposes and:

(a) including:

(i) interest exempt from federal income tax and exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code of 1986, as that section may be amended or renumbered;

(ii) the portion of gain from a liquidation of the reporting corporation not recognized for federal corporate income tax purposes pursuant to sections 331 through 337 of the Internal Revenue Code, as those sections may be amended or renumbered, attributable to stockholders, either individual or corporate, not subject to Montana income or corporate income tax under Title 15, chapter 30 or chapter 31, as appropriate, on the gain passing through to the stockholders pursuant to federal law; and

(b) excluding*:*

(i) gain recognized for federal tax purposes as a shareholder of a liquidating corporation pursuant to sections 331 through 337 of the Internal Revenue Code, as those sections may be amended or renumbered, when the gain is required to be recognized by the liquidating corporation pursuant to subsection (1)(a)(ii) of this section.*;*

(ii) income received by a corporation from the manufacture of ammunition components if the corporation is engaged in the primary business of the manufacture of ammunition components as provided in [section 1]; and

(iii) income received by a corporation that is attributable to providing a bona fide loan in an arms' length transaction to a manufacturer of ammunition components as provided in [section 2].

(2) The term "net income" means the gross income of the corporation less the deductions set forth in 15-31-114.

(3) A corporation is not exempt from the corporate income tax unless specifically provided for under 15-31-101(3) or 15-31-102. Any corporation not subject to or liable for federal income tax but not exempt from the corporate income tax under 15-31-101(3) or 15-31-102 shall compute gross income for corporate income tax purposes in the same manner as a corporation that is subject to or liable for federal income tax according to the provisions for determining gross income in the federal Internal Revenue Code in effect for the taxable year."

Section 7. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 30, chapter 20, and the provisions of Title 30, chapter 20, apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 15, chapter 24, and the provisions of Title 15, chapter 24, apply to [section 3].

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Effective date. [This act] is effective on passage and approval.

Section 10. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning on or after January 1, 2025.

Section 11. Termination. [This act] terminates December 31, 2035.

Approved May 13, 2025

CHAPTER NO. 676

[HB 372]

AN ACT REVISING LICENSE FEES USED FOR THE UPLAND GAME BIRD ENHANCEMENT PROGRAM; REVISING FEE AMOUNTS FOR HUNTING LICENSES; AMENDING SECTIONS 87-1-246, 87-2-401, 87-2-402, 87-2-405, 87-2-505, 87-2-510, 87-2-511, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Section 87-1-246, MCA, is amended to read:

"**87-1-246. Funding of upland game bird enhancement program.** The amount of money specified in this section from the sale of each hunting license listed*, excluding discounted licenses sold under 87-2-514, 87-2-522, 87-2-525, 87-2-526, 87-2-801, 87-2-803, and 87-2-805(1) and (2),* must be used exclusively by the department to preserve and enhance upland game bird populations in Montana in accordance with 87-1-246 through 87-1-249, subject to appropriation by the legislature:

(1) Class A-1, resident upland game bird, ~~$2~~ *$4.50*;

(2) Class B-1, nonresident upland game bird, ~~$23~~ *$40*;

(3) Class B-2, 3-day nonresident upland game bird, ~~$10~~ *$20*;

(4) Class AAA, combination sports, ~~$2~~ *$4.50*; *and* ~~and~~

(5) Class B-10, nonresident big game combination, ~~$23~~ *$40*."

Section 2. Section 87-2-401, MCA, is amended to read:

"**87-2-401. Class A-1--resident upland game bird license.** Except as otherwise provided, a resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~$7.50~~ *$10*, receive a Class A-1

license that entitles a holder who is 12 years of age or older to hunt upland game birds and possess the carcasses of upland game birds as authorized by department rules."

Section 3. Section 87-2-402, MCA, is amended to read:

"**87-2-402. Class B-1--nonresident upland game bird license.** Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued, upon payment of a fee of ~~$110~~ *$127* may receive a Class B-1 license that entitles a holder who is 12 years of age or older to hunt upland game birds and possess the carcasses of upland game birds as authorized by department rules."

Section 4. Section 87-2-405, MCA, is amended to read:

"**87-2-405. Class B-2--3-day nonresident upland game bird license.** (1) Except as otherwise provided and subject to subsection (2), a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~$50~~ *$60*, receive a Class B-2 license that entitles a holder who is 12 years of age or older to hunt upland game birds for 3 calendar days as indicated on the license and possess the carcasses of upland game birds as authorized by the commission.

(2) A Class B-2 license may not be used to hunt or take:

(a) ring-necked pheasants during the opening week of that season; or

(b) sage grouse at any time."

Section 5. Section 87-2-505, MCA, is amended to read:

"**87-2-505. Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of ~~$981~~ *$1,312* and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag.

(2) Not more than 17,000 Class B-10 licenses may be sold in any 1 license year.

(3) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant to subsection (1), 28.5% must be deposited in the account established in 87-1-290.

(4) The cost of the Class B-10 nonresident big game combination license must be adjusted annually based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be rounded down to the nearest even-numbered amount."

Section 6. Section 87-2-510, MCA, is amended to read:

"**87-2-510. Class B-11--nonresident deer combination license.** (1) (a) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~$577~~ *$760* and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses.

(b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license pursuant to subsection (1)(a), 28.5% must be deposited in the account established in 87-1-290.

(c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be rounded down to the nearest even-numbered amount.

(2) Not more than 4,600 unreserved Class B-11 licenses may be sold in any 1 license year."

Section 7. Section 87-2-511, MCA, is amended to read:

"**87-2-511. Sale and use of Class B-10 and Class B-11 licenses.** (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on April 1, with 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

(2) Each application for a resident-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.

(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor. If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the second applicant sponsored by each resident landowner. The department shall conduct a drawing for any remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1) to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may submit no more than 15 certificates of sponsorship in any license year.

(4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct all deer hunting on the deeded lands of the sponsoring landowner.

(5) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued by a drawing among all applicants for the respective unreserved licenses.

(6) (a) An applicant who applies for a Class B-10 license and an applicable special elk permit but who is not successful in a drawing for the special elk permit may choose to retain only the Class B-7 portion of the Class B-10 license. The department shall sell the Class B-7 portion as a Class B-11 license for the

fee set in 87-2-510. The provisions of this subsection (6)(a) do not affect the limits established in 87-2-510(2). The remaining elk tag portion of the Class B-10 license must be sold by the department as an elk-only combination license for a fee of ~~$831~~ *$1,112*.

(b) Subject to the statutory quota provided in 87-2-505, if the department determines all available elk-only combination licenses have sold by December 1 in any license year, the cost of the elk-only combination license must be adjusted for the subsequent license year based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be rounded down to the nearest even-numbered amount and applies to subsequent license years unless the conditions of this subsection are met.

(c) The department may retain 10% of the Class B-10 license fee if an applicant chooses to buy only a portion of the Class B-10 license pursuant to subsection (6)(a) after the Class B-10 license has been issued to the applicant.

(d) The revenue collected pursuant to this subsection (6) must be deposited in the state special revenue account to the credit of the department and may not be allocated pursuant to other statutory requirements generally applicable to Class B-10 or Class B-11 licenses."

Section 8. Section 87-2-711, MCA, is amended to read:

"**87-2-711. Class AAA--combination sports license.** (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5 licenses upon payment of the sum of ~~$62~~ *$64.50*; or

(b) a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 tag upon payment of the sum of ~~$77~~ *$79.50*.

(2) The department may furnish each holder of a combination sports license an appropriate decal."

Section 9. Effective date. [This act] is effective March 1, 2026.

Approved May 13, 2025

CHAPTER NO. 677

[HB 381]

AN ACT GENERALLY REVISING LAWS REGARDING STUDENT EMPLOYMENT FOR HIGH SCHOOL CREDIT IN PUBLIC SCHOOLS AND NONPUBLIC SCHOOLS; PROVIDING THAT STUDENTS 16 YEARS OF AGE OR OLDER MAY EARN CREDIT TOWARD HIGH SCHOOL GRADUATION THROUGH EMPLOYMENT ON A PAID OR VOLUNTARY BASIS IN CERTAIN CARE SETTINGS; ALLOWING A PUBLIC HIGH SCHOOL OR NONPUBLIC HIGH SCHOOL TO IMPOSE CONDITIONS AND REQUIREMENTS ON WORK PERFORMED TO QUALIFY FOR HIGH SCHOOL CREDIT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Credit for employment -- congregate-care facilities, child-care facilities, and school-age programs. (1) A student who is 16

years of age or older at a public school or nonpublic school and who is employed on a paid or voluntary basis at a congregate-care facility, child-care facility, or school-age program may earn one unit of credit for graduation for every 8,100 minutes worked at the congregate-care facility, child-care facility, or school-age program.

(2) The public school or nonpublic school shall develop a written application for the student seeking credit under this section. The application form must include the following information:

(a) the student's name;

(b) the name, address, and contact information for the congregate-care facility, child-care facility, or school-age program at which the student is employed;

(c) the name of an individual supervising the student at the congregate-care facility, child-care facility, or school-age program;

(d) a description of the work the student is performing at the congregate-care facility, child-care facility, or school-age program; and

(e) the number of minutes the student is employed at the congregate-care facility, child-care facility, or school-age program.

(3) The public school or nonpublic school shall establish:

(a) deadlines for submission of the application; and

(b) a process for verification of the number of minutes the student works at the congregate-care facility, child-care facility, or school-age program.

(4) The public school or nonpublic school may establish conditions and requirements on the type of work the student is performing that the student shall satisfy to earn credit toward graduation.

(5) The public school or nonpublic school may not award credit to the student unless the school approves the student's application and the student has satisfied all of the requirements under this section.

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

(a) "Child-care facility" means a day-care center, group day-care home, or family day-care home licensed or registered under the provisions of Title 52, chapter 2, part 7.

(b) "Congregate-care facility" has the same meaning as:

(i) "community residential facility" as defined in 76-2-411;

(ii) "developmental disabilities facility" as defined in 53-20-202;

(iii) "long-term care facility" as defined in 50-5-101; and

(iv) "residential care facility" as defined in 50-5-101.

(c) "School-age program" means a program serving children 5 years of age or older during the school year or summer.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, part 3, and the provisions of Title 20, chapter 7, part 3, apply to [section 1].

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 678

[HB 424]

AN ACT REVISING PROPERTY INCLUDED IN CLASS SEVENTEEN AS DATA CENTER PROPERTY; EXTENDING THE TIMEFRAME IN WHICH THE DATA CENTER PROPERTY MUST BE BUILT; REVISING OWNERSHIP REQUIREMENTS; PROVIDING THAT THE SCHOOL EQUALIZATION

MILLS MUST BE PAID ON CLASS SEVENTEEN PROPERTY WITHIN A DISTRICT THAT USES TAX INCREMENT FINANCING; PROVIDING REQUIREMENTS FOR THE SALE OF POWER PRODUCED BY A DATA CENTER; PROVIDING A DEFINITION; AMENDING SECTIONS 7-15-4286, 15-6-156, AND 15-6-162, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Sale of power produced by data center. (1) If electrical power produced by a generator owned by a qualified data center is sold to a public utility or an electric cooperative, the price may not exceed the cost of production.

(2) The cost of production includes:

(a) the capital cost of constructing the generator;

(b) depreciation;

(c) wages, salaries, and employee benefits of personnel located at the generator who operate and maintain the facility;

(d) fuel;

(e) operating supplies and materials;

(f) utilities; and

(g) contracted services necessary to operate and maintain the generator.

(3) The cost of the production does not include:

(a) any cost for corporation administration;

(b) travel; or

(c) corporate legal services.

(4) The public utility or electric cooperative has the right to annually audit the operating costs of the generator at the utility's sole expense.

(5) As used in this section:

(a) "Electric cooperative" has the same meaning as "cooperative" as provided in 35-18-102.

(b) "Public utility" has the same meaning as provided in 69-3-101.

(c) "Qualified data center" has the same meaning as provided in 15-6-162.

Section 2. Section 7-15-4286, MCA, is amended to read:

"**7-15-4286. Procedure to determine and disburse tax increment -- remittance of excess portion of tax increment for targeted economic development district.** (1) (a) Except as provided in subsection (1)(b), mill rates of taxing bodies for taxes levied after the effective date of the tax increment provision must be calculated on the basis of the sum of the taxable value, as shown by the last equalized assessment roll, of all taxable property located outside the urban renewal area or targeted economic development district and the base taxable value of all taxable property located within the area or district. The mill rate determined must be levied against the sum of the actual taxable value of all taxable property located within as well as outside the area or district.

(b) If a mill levy is excluded from the tax increment calculation pursuant to subsections (2)(b) through (2)(d), the calculation pursuant to subsection (1)(a) must use the total taxable value of all property located within the area or district.

(2) (a) Except as provided in *15-6-162 and* subsections (2)(b) through (2)(d) and (3) *of this section*, the tax increment, if any, received in each year from the levy of the combined mill rates of all the affected taxing bodies against the incremental taxable value within the area or district must be paid into a special fund held by the treasurer of the local government and used as provided in 7-15-4282 through 7-15-4294.

(b) For targeted economic development districts and urban renewal areas created before April 6, 2017, the combined mill rates used to calculate the tax increment may not include the mill rates for the university system mills levied pursuant to 15-10-109 and 20-25-439.

(c) For targeted economic development districts created on or after April 6, 2017, and before July 1, 2022, and urban renewal areas created on or after April 6, 2017, the combined mill rates used to calculate the tax increment may not include mill rates for:

(i) the university system mills levied pursuant to 15-10-109 and 20-25-439; and

(ii) a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision.

(d) For targeted economic development districts created after June 30, 2022, the combined mill rates used to calculate the tax increment may not include mill rates for:

(i) the university system mills levied pursuant to 15-10-109 and 20-25-439;

(ii) one-half of the elementary, high school, and state equalization mills levied pursuant to 20-9-331, 20-9-333, and 20-9-360;

(iii) a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision; and

(iv) any portion of an existing mill levy designated by the local government as excluded from the tax increment.

(3) (a) Subject to 7-15-4287 and subsection (3)(b) of this section, a targeted economic development district with a tax increment provision adopted after October 1, 2019, may expend or accumulate tax increment for:

(i) the payment of the costs listed in 7-15-4288;

(ii) the cost of issuing bonds; or

(iii) any pledge to the payment of the principal of any premium, if any, and interest on the bonds issued pursuant to 7-15-4289 and sufficient to fund any reserve fund in respect of the bonds in an amount not to exceed 125% of the maximum principal and interest on the bonds in any year during the term of the bonds.

(b) Any excess tax increment remaining after the use or accumulation of funds as set forth in subsection (3)(a) must be:

(i) remitted to each taxing jurisdiction for which the mill rates are included in the calculation of the tax increment as provided in subsections (1) and (2); and

(ii) proportional to the taxing jurisdiction's share of the total mills levied.

(c) A targeted economic development district is not subject to the provisions of this subsection (3) if bonds have not been issued to finance the project.

(4) Any portion of the excess tax increment remitted to a school district pursuant to subsection (3) is subject to the provisions of 7-15-4291(2) through (5).

(5) The balance of the taxes collected in each year must be paid to each of the taxing bodies as otherwise provided by law."

Section 3. Section 15-6-156, MCA, is amended to read:

"**15-6-156. Class thirteen property -- description -- taxable percentage.** (1) Except as provided in subsections (2)(a) through (2)(i), class thirteen property includes:

(a) electrical generation facilities, except wind generation facilities, biomass generation facilities, and energy storage facilities classified under 15-6-157, of a centrally assessed electric power company;

(b) electrical generation facilities, except wind generation facilities, biomass generation facilities, and energy storage facilities classified under 15-6-157,

owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to 42 U.S.C. 16451;

(c) noncentrally assessed electrical generation facilities, except wind generation facilities, biomass generation facilities, and energy storage facilities classified under 15-6-157, owned or operated by any electrical energy producer;

(d) allocations of centrally assessed telecommunications services companies; and

(e) dedicated communications infrastructure *or electrical generation systems* described in 15-6-162(5) for which construction commenced after June 30, ~~2027~~ *2037*, or for which the ~~15-year~~ *10-year* period provided for in 15-6-162(5)~~(c)~~ has expired.

(2) Class thirteen property does not include:

(a) property owned by cooperative rural electric cooperative associations classified under 15-6-135;

(b) property owned by cooperative rural electric cooperative associations classified under 15-6-137 or 15-6-157;

(c) allocations of electric power company property under 15-6-141;

(d) electrical generation facilities included in another class of property;

(e) property owned by cooperative rural telephone associations and classified under 15-6-135;

(f) property owned by organizations providing telecommunications services and classified under 15-6-135;

(g) generation facilities that are exempt under 15-6-225;

(h) qualified data centers classified under 15-6-162; and

(i) property classified under 15-6-163.

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

(a) (i) "Electrical generation facilities" means any combination of a physically connected generator or generators, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power. The term includes but is not limited to generating facilities that produce electricity from coal-fired steam turbines, oil or gas turbines, turbine generators that are driven by falling water, or solar panel systems.

(ii) The term does not include electrical generation facilities used for noncommercial purposes or exclusively for agricultural purposes.

(iii) (A) The term also does not include a qualifying facility certified by the federal energy regulatory commission.

(B) To qualify for consideration of an abatement as allowed in 15-24-1402, the requesting entity must disclose, in writing, its intent to request certification as a qualifying facility to the governing body.

(C) If the intent is not disclosed and an abatement granted, abatement may be rescinded by the governing body.

(D) Certified qualifying facilities are classified under 15-6-134 and 15-6-138.

(iv) The term also does not include a facility that is owned and operated by a person not primarily engaged in the generation or sale of electricity other than power from a small power production facility and classified under 15-6-134 and 15-6-138.

(b) (i) "Fiber optic or coaxial cable" means any fiber optic or coaxial cable, including all capitalized costs associated with installing and placing in service the fiber optic or coaxial cable, and other property that is normally operated when installing and placing in service fiber optic or coaxial cable to deliver digital communication and access to the internet.

(ii) The term does not include routers, head-end equipment, central office equipment and other electronics, or hardware or software not directly

associated with installing and placing in service fiber optic or coaxial cable or the buildings used to house equipment.

(4) (a) Except as provided in ~~subsection~~ *subsections* (4)(b) *and (4)(c)*, class thirteen property is taxed at 6% of its market value.

(b) (i) Except as provided in subsection (4)(b)(ii), fiber optic or coaxial cable installed and placed in service on or after July 1, 2021, is exempt from taxation for a period of 5 years starting from the date the fiber optic or coaxial cable was placed in service, after which the property exemption is phased out at a rate of 20% a year, with the property being assessed at 100% of its taxable value after a 10-year period. In order to maintain the exemption, the owner of fiber optic or coaxial cable shall reinvest the tax savings from the exemption by installing and placing in service new fiber optic or coaxial cable in Montana within 2 years from the date the owner first claimed the exemption provided for in this subsection (4)(b) without charging those costs to the consumer. The cost of installing or placing into service fiber optic or coaxial cable with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive.

(ii) Fiber optic or coaxial cable installed using federal funds received pursuant to Section 9901 of the American Rescue Plan Act is not eligible for exemption from taxation under this section.

(iii) An entity that claims a tax exemption under this subsection (4)(b) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable in Montana. The property owners shall make those records available to the department for inspection upon request.

(c) Property described in subsection (1)(e) is taxed at half the rate provided for in subsection (4)(a) for 10 years after the 10-year period provided for in 15-6-162(5) has expired.

(5) (a) The property taxes exempted from taxation by subsection (4)(b) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable in Montana as provided in subsection (4)(b) or otherwise violates the provisions of this section.

(b) Upon notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of this section was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.

(c) The recapture of abated taxes may be cancelled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

Section 4. Section 15-6-162, MCA, is amended to read:

"**15-6-162. Class seventeen property -- description -- taxable percentage.** (1) Class seventeen property includes the land, improvements, furniture, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135 of a qualified data center.

(2) (a) "Qualified data center" means the land, improvements, and personal property of a facility designed or modified to house networked computers or equipment supporting computing, networking, or data storage that is composed of one or more buildings under single ownership*, provided that a single*

ownership entity includes a wholly owned subsidiary or a parent company with 100% ownership interest, on contiguous parcels of land that consist of at least:

(i) 300,000 square feet, where the total cost of land, improvements, personal property, and software is at least $150 million with construction commencing after June 30, 2017; or

(ii) 25,000 square feet of new or expanded area, where the total cost of land, improvements, personal property, and software is at least $50 million invested during a 48-month period with construction commencing after January 1, 2019.

(b) The term includes but is not limited to:

(i) cooling systems, cooling towers, and other temperature infrastructure;

(ii) power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the facility, ~~such as~~ *including:*

(A) exterior dedicated business-owned substations~~.~~*;*

(B) backup power generation systems, battery systems, and related infrastructure; and

(C) electrical generation and storage systems that commence operation after [the effective date of this act] and are located on the facility side of the utility meter and primarily used by a qualified data center for onsite power or

(iii) any other equipment necessary for the maintenance and operation of the facility.

(3) During construction, property not meeting the requirements of subsection (2) must be classified as class seventeen property if, prior to March 1 of the first tax year for which the classification will be applied, the taxpayer certifies to the department that the facility under construction will meet the requirements of subsection (2) within 2 years of the date of the certification.

(4) ~~The~~ *Except as provided in subsection (5), the* taxable property of a qualified data center must be locally assessed.

(5) (a) Class seventeen property includes centrally assessed interstate or intrastate dedicated communications infrastructure that is owned or leased by the owner of a qualified data center and is composed of telecommunication or data lines, equipment, and services, including but not limited to copper or fiber optic lines or microwave, satellite, or other wireless communication systems.

(b) To qualify under this subsection (5), construction of the owned or leased interstate or intrastate communications infrastructure must commence after June 30, 2017, and before July 1, ~~2027~~ *2037*, and must satisfy the criteria of this section.

(c) Dedicated communications infrastructure provided for in this subsection (5) is taxed at the rate provided for in subsection ~~(6)~~ *(8)* for a period of ~~15~~ *10* years from the time that construction commences. After the ~~15-year~~ *10-year* period, the dedicated communications infrastructure is taxed as class thirteen property at the rate provided in 15-6-156.

(d) Electrical generation systems provided for in subsection (2)(b)(ii)(C) are taxed at the rate provided for in subsection (8) for a period of 10 years from the time that construction commences. After the 10-year period, the electrical generation systems are taxed as class thirteen property at the rate provided in 15-6-156.

(6) (a) Except as provided in subsection (6)(b), electrical generation and storage systems are considered primarily used onsite if used at least 80% for onsite consumption as measured on an annualized kilowatt hour basis as certified annually to the department. Utility grade metering must be installed at the point of electrical generation to measure total kilowatt hours produced.

(b) If the governor declares an electrical generation emergency, the 80% requirement in subsection (6)(a) does not apply to a qualified data center that relies on backup power generation systems and makes electricity generated on the facility side of the utility meter available to the utility to help service residential and business customers during the emergency period.

(7) Class seventeen property included in an urban renewal area or targeted economic development district is subject to the elementary, high school, and state equalization mills levied pursuant to 20-9-331, 20-9-333, and 20-9-360.

~~(6)~~*(8)* ~~Class~~ *Property identified as class* seventeen property *under this section, whether centrally or locally assessed,* is taxed at 0.9% of its market value."

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 69, chapter 3, part 2, and the provisions of Title 69, chapter 3, part 2, apply to [section 1].

Section 6. Effective date. [This act] is effective on passage and approval.

Section 7. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2024.

Approved May 13, 2025

CHAPTER NO. 679

[HB 432]

AN ACT REVISING WATER LAWS CONCERNING EXCEPTIONS TO THE CHANGE IN APPROPRIATION RIGHT PROCESS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 3-7-224, 85-2-309, 85-2-402, AND 85-2-407, MCA.

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

Section 1. Changes in appropriation rights -- exceptions. (1) (a) An appropriator may change an appropriation right without the prior approval of the department for the purpose of constructing a redundant water supply well in a public water supply system as defined in 75-6-102 if the redundant water supply well:

(i) withdraws water from the same source aquifer as the original well; and

(ii) is required by a state or federal agency.

(b) The priority date of the redundant water supply well is the same as the priority date of the original well. Only one well may be used at one time.

(c) (i) Within 60 days of completion of a redundant water supply well and the infrastructure necessary to use the well, the appropriator shall file a correct and complete notice of change in appropriation right for redundant water supply well construction with the department on a form provided by the department. If the redundant water supply well is located on national forest system lands, the notice is not correct and complete under this subsection (1)(c)(i) until the appropriator has submitted proof of any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of constructing the redundant water supply well.

(ii) The department may not issue an authorization of a change in appropriation right until a correct and complete notice of change in appropriation right for redundant water supply well construction has been filed with the department.

(2) (a) An appropriator may change an appropriation right for a replacement well without the prior approval of the department if:

(i) the appropriation right is for:

(A) ground water outside the boundaries of a controlled ground water area; or

(B) ground water inside the boundaries of a controlled ground water area and if the provisions of the rule establishing the controlled ground water area do not restrict a change in appropriation right;

(ii) the change in appropriation right is to replace an existing well and the existing well will no longer be used;

(iii) the rate and volume of the appropriation from the replacement well are equal to or less than that of the well being replaced and the distance between the replacement well and the well being replaced is no greater than 200 feet;

(iv) the water from the replacement well is appropriated from the same source aquifer as the water appropriated from the well being replaced; and

(v) a timely, correct, and complete notice of change in appropriation right for a replacement well is submitted to the department as provided in subsection (2)(b).

(b) The appropriator shall file a correct and complete notice of change in appropriation right for a replacement well with the department on a form provided by the department within 60 days after completion of a replacement well and appropriation of ground water for a beneficial use.

(c) For each well that is replaced under this subsection (2), the appropriator shall follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202.

(3) (a) An appropriator may change an appropriation right for a replacement point of diversion without the prior approval of the department if:

(i) the existing point of diversion is inoperable due to natural causes or deteriorated infrastructure;

(ii) there are no other changes to the water right;

(iii) the capacity of the diversion is not increased;

(iv) there are no points of diversion or intervening water rights between the existing point of diversion and the replacement point of diversion or the appropriator obtains written waivers from all intervening water right holders;

(v) the replacement point of diversion is on the same surface water source and is located as close as reasonably practicable to the existing point of diversion;

(vi) the replacement point of diversion replaces an existing point of diversion and the existing point of diversion will no longer be used;

(vii) the existing point of diversion has been used in the 10 years prior to the notice for change of appropriation right for a replacement point of diversion;

(viii) the change will not increase access to water availability, change the method of irrigation, if applicable, or increase the amount of water diverted, used, or consumed; and

(ix) a timely, correct, and complete notice of change in appropriation right for a replacement point of diversion is submitted to the department as provided in subsection (3)(b).

(b) The appropriator shall file a correct and complete notice of change in appropriation right for a replacement point of diversion with the department on a form provided by the department within 60 days after completion of a replacement in point of diversion.

(4) (a) A municipality as defined in 7-1-4121 or a county water and sewer district organized under Title 7, chapter 13, part 22, may change the place of use for an unperfected municipal use permit or water reservation without the prior approval of the department if:

(i) the flow rate authorized by the permit or water reservation will not be exceeded;

(ii) the volume authorized by the permit or water reservation will not be exceeded;

(iii) the place of use is within:

(A) the municipality's land use plan and future land use map boundary duly adopted by the municipality pursuant to Title 76, chapter 25;

(B) the municipality's growth policy boundary duly adopted by the municipality pursuant to Title 76, chapter 1; or

(C) a county water and sewer district's service area boundary adopted under Title 7, chapter 13, part 23;

(iv) all water being diverted by the system is being measured; and

(v) there are no other changes to the water right or rights.

(b) The appropriator shall file a correct and complete notice of change in appropriation right for municipal use with the department on a form provided by the department within 180 days of annexation by a municipality under Title 7, chapter 2, or addition of land to a county water and sewer district under Title 7, chapter 13, part 23.

(c) A notice of change in appropriation right for municipal use may include a change in place of use for a water right that is not an unperfected permit or water reservation if:

(i) the criteria in subsection (4)(a) are satisfied for each unperfected permit and water reservation;

(ii) the criteria in subsection (4)(a) are satisfied for each additional water right being changed;

(iii) the unperfected volume of the unperfected permit or water reservation is adequate to satisfy the additional water use needs of the entire additional place of use;

(iv) the existing place of use is the same for all rights being changed; and

(v) all rights being changed share the same common distribution system.

(5) (a) An appropriator with a water right for stock use may add, move, or remove stock tanks without the prior approval of the department if:

(i) stock tanks are added to a water right for livestock direct from source;

(ii) stock tanks are added to or removed from an existing stock watering system; or

(iii) stock tanks are moved on an existing stock watering system.

(b) The following requirements must be met for a change filed under this subsection (5):

(i) the diverted flow rate of the stock watering system may not exceed the historical diverted flow rate of the stock watering system. If stock tanks are being added to a livestock direct from source water right, the maximum flow rate for the diversion to the tanks may not exceed 35 gallons a minute.

(ii) the number of stock animal units that will be watered on the system may not exceed the historical number of stock animal units watered;

(iii) the stock watering system infrastructure is adequate to control diversions and prevent waste of water; and

(iv) the appropriator has a possessory interest or the written consent of a person with a possessory interest in the property where the water is to be put to beneficial use or, if the proposed change involves a point of diversion, conveyance, or place of use on national forest system lands, the appropriator has any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water.

(c) The appropriator shall file a correct and complete notice of change in appropriation right for stock tanks with the department on a form provided by the department within 60 days after stock tanks are added or moved.

(d) A temporary change in appropriation right for stock tanks may be authorized in accordance with 85-2-407.

(6) (a) If the department determines a notice of change in appropriation filed pursuant to subsections (1) through (5) is not correct and complete, the department shall return the notice to the appropriator, along with a notification describing the defects. A notice of change in appropriation right that is not corrected and completed within 60 days of the notification is terminated.

(b) Within 90 days of determining a notice of change in appropriation right is correct and complete, the department shall determine if the applicable criteria for issuance of a change in appropriation right are satisfied, and:

(i) if the department determines that the notice of change in appropriation right satisfies the applicable criteria in subsection (1), (2), (3), (4), or (5), the department shall issue an authorization of a change in appropriation right; or

(ii) if the department determines that the notice of change in appropriation right does not satisfy the criteria in subsection (1), (2), (3), (4), or (5), the department shall notify the appropriator, and the appropriator shall submit an application for a change in appropriation right to the department pursuant to 85-2-402.

(7) (a) If an authorization of a change in appropriation right is issued under subsection (3), (4), or (5), the department shall prepare a public notice that includes a summary of the change in appropriation right. The public notice must state that within no more than 45 days after the date of publication, a person may file with the department a written objection to the authorization of the change in appropriation right. The department shall publish the notice once in a newspaper of general circulation in the area of the source.

(b) The department shall also serve the notice by first-class mail on:

(i) an appropriator of water or applicant for or holder of a permit who, according to the records of the department, may be affected by the proposed appropriation;

(ii) any purchaser under contract for deed as defined in 70-20-115 of property that according to the records of the department may be affected by the proposed appropriation; and

(iii) any public agency that has reserved waters in the source under 85-2-316.

(c) The department may, in the department's discretion, also serve notice on any state agency or other person the department believes may be interested in or affected by the proposed appropriation.

(d) The department shall file in the department's records proof of service by affidavit of the publisher in cases of notice by publication and by affidavit of the department in cases of service by mail.

(8) (a) An objector to a change authorization issued under subsection (3), (4), or (5) shall file a correct and complete objection on a form prescribed by the department on or before the date specified in the notice provided under subsection (7).

(i) A person has standing to file an objection under this subsection (8) if the property, water rights, or interests of the person would be adversely affected by the proposed change.

(ii) The department shall adopt rules delineating the components of a correct and complete objection.

(iii) The department shall notify the objector of any defect in an objection. An objection not corrected or completed within 15 business days from the date of notification of the defect is terminated.

(iv) An objection is valid if the objector has standing, has filed a correct and complete objection within the prescribed time, and has stated the applicable information required under this subsection (8) and the rules of the department.

(v) An objection must state facts indicating that the change in appropriation right:

(A) will adversely affect the use of the water rights of the objector or of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under Title 85, chapter 2, part 3; or

(B) does not satisfy the applicable criteria set forth in subsection (3), (4), or (5).

(b) If a valid objection is filed, the department shall hold a contested case hearing pursuant to 85-2-309. The contested case hearing is limited to those issues for which a correct and complete objection is filed. The appropriator changing the water right bears the burden of proof of lack of adverse effect or any of the criteria for which a correct and complete objection is filed.

(c) If the department determines after a contested case hearing on the objection that the rights of other appropriators have been or will be adversely affected or that the change in appropriation right does not satisfy the criteria set forth in subsection (3), (4), or (5), the department may revoke the change in appropriation right or make the change subject to terms, conditions, restrictions, or limitations necessary to protect the rights of other appropriators.

Section 2. Section 3-7-224, MCA, is amended to read:

"**3-7-224. (Temporary) Jurisdiction of chief water judge and associate water judge.** (1) The chief water judge and the associate water judge may, at the discretion of the chief justice of the Montana supreme court, also serve as water judge for one of the water divisions.

(2) The chief water judge and the associate water judge have jurisdiction over cases certified to the district court under 85-2-309, all matters relating to the determination of existing water rights within the boundaries of the state of Montana, and all petitions for judicial review filed with the water court under 2-4-702.

(3) With regard to the consideration of a matter within the chief water judge's jurisdiction, the chief water judge and the associate water judge have the same powers as a district court judge. The chief water judge and the associate water judge may issue orders, on the motion of an interested party or on the judge's own motion, that may reasonably be required to allow the judge to fulfill the judge's responsibilities, including but not limited to requiring the joinder of persons not parties to the administrative hearing being conducted by the department pursuant to 85-2-309 or 85-2-402 as considered necessary to resolve any factual or legal issue certified pursuant to 85-2-309(2). (Terminates September 30, 2025--sec. 6, Ch. 126, L. 2017.)

3-7-224. (Effective October 1, 2025) Jurisdiction of chief water judge and associate water judge. (1) The chief water judge and the associate water judge may, at the discretion of the chief justice of the Montana supreme court, also serve as water judge for one of the water divisions.

(2) The chief water judge and the associate water judge have jurisdiction over cases certified to the district court under 85-2-309 and all matters relating to the determination of existing water rights within the boundaries of the state of Montana.

(3) With regard to the consideration of a matter within the chief water judge's jurisdiction, the chief water judge and the associate water judge have the same powers as a district court judge. The chief water judge and the associate water judge may issue orders, on the motion of an interested party or on the judge's own motion, that may reasonably be required to allow the judge to fulfill the judge's responsibilities, including but not limited to requiring the joinder of persons not parties to the administrative hearing being conducted by the department pursuant to 85-2-309*,* ~~or~~ 85-2-402*, or [section 1]* as considered necessary to resolve any factual or legal issue certified pursuant to 85-2-309(2)."

Section 3. Section 85-2-309, MCA, is amended to read:

"**85-2-309. Hearings on objections -- jurisdiction.** (1) If the department determines that an objection to an application for a permit under 85-2-311*,* ~~or~~ *an application for a* change in appropriation right under 85-2-402*, or a notice of change in appropriation right under [section 1]* states a valid objection, it shall hold a contested case hearing, pursuant to Title 2, chapter 4, part 6, on the objection within 90 days from the date set by the department for the filing of objections after serving notice of the hearing by first-class mail upon the applicant and the objector, unless the department certifies an issue to the district court for determination by a water judge under subsection (2). The department may consolidate hearings if more than one objection is filed to an application. The department may extend the 90-day deadline for good cause shown or upon request of the applicant and all objectors. The department shall file in its records proof of the service by affidavit of the department.

(2) (a) At any time prior to commencement or before the conclusion of a hearing as provided in subsection (1), the department may in its discretion certify to the district court all factual and legal issues involving the adjudication or determination of the water rights at issue in the hearing, including but not limited to issues of abandonment, quantification, or relative priority dates. Certified controversies must be given priority by a water judge over all other adjudication matters.

(b) If the department fails to certify an issue as provided in this section after a timely request by a party to the hearing, the department shall include its denial to certify as part of the record of the hearing.

(c) Upon determination of the issues certified to it by the department, the court shall remand the matter to the department for further processing of the application under this chapter.

(3) Subsection (2) does not apply in the case of a matter considered at a hearing under this section pursuant to 85-2-316 or 85-2-322."

Section 4. Section 85-2-402, MCA, is amended to read:

"**85-2-402. Changes in appropriation rights -- definition.** (1) (a) The right to make a change in appropriation right subject to the provisions of this section in an existing water right, a permit, or a state water reservation is recognized and confirmed. In a change in appropriation right proceeding under this section, there is no presumption that an applicant for a change in appropriation right cannot establish lack of adverse effect prior to the adjudication of other rights in the source of supply pursuant to this chapter. Except as provided in 85-2-410 and ~~subsections (15) and (16) of this section~~ *[section 1]*, an appropriator may not make a change in an appropriation right without the approval of the department or, if applicable, of the legislature. An applicant shall submit a correct and complete application.

(b) If an application involves a change in a point of diversion, conveyance, or place of use located on national forest system lands, the application is not correct and complete until the applicant has submitted proof to the department of any written special use authorization required by federal law for the proposed

change in occupancy, use, or traverse of national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water.

(2) Except as provided in subsections (4) through (6)~~, (15), (16), and (18)~~ and, if applicable, subject to subsection ~~(17)~~ *(15)*, the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:

(a) The proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under part 3. For purposes of this section, adverse effects analysis is specific to the proposed change in appropriation right and a determination that water is not legally available pursuant to 85-2-311 does not necessarily mean that an adverse effect will occur.

(b) The proposed means of diversion, construction, and operation of the appropriation works are adequate, except for:

(i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436;

(ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or

(iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.

(c) The proposed use of water is a beneficial use.

(d) The applicant has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use or, if the proposed change involves a point of diversion, conveyance, or place of use on national forest system lands, the applicant has any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water. This subsection (2)(d) does not apply to:

(i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436;

(ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or

(iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.

(e) If the change in appropriation right involves salvaged water, the proposed water-saving methods will salvage at least the amount of water asserted by the applicant.

(f) The water quality of an appropriator will not be adversely affected.

(g) The ability of a discharge permitholder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.

(3) The applicant is required to prove that the criteria in subsections (2)(f) and (2)(g) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (2)(f) or (2)(g), as applicable, may not be met.

(4) The department may not approve a change in purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the appropriator proves by a preponderance of evidence that:

(a) the criteria in subsection (2) are met; and

(b) the proposed change in appropriation right is a reasonable use. A finding of reasonable use must be based on a consideration of:

(i) the existing legal demands of water rights on the state water supply, as well as projected legal demands of water rights for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;

(ii) the benefits to the applicant and the state;

(iii) the effects on the quantity and quality of water for existing uses in the source of supply;

(iv) the availability and feasibility of using low-quality water for the purpose for which application has been made;

(v) the effects on private property rights by any creation of or contribution to saline seep; and

(vi) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

(5) The department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless:

(a) the applicant proves by clear and convincing evidence and the department finds that the criteria in subsections (2) and (4) are met; and

(b) for the withdrawal and transportation of appropriated water for out-of-state use, the department then petitions the legislature and the legislature affirms the decision of the department after one or more public hearings.

(6) The state of Montana has long recognized the importance of conserving its public waters and the necessity to maintain adequate water supplies for the state's water requirements, including requirements for federal non-Indian and Indian reserved water rights held by the United States for federal reserved lands and in trust for the various Indian tribes within the state's boundaries. Although the state of Montana also recognizes that, under appropriate conditions, the out-of-state transportation and use of its public waters are not in conflict with the public welfare of its citizens or the conservation of its waters, the following criteria must be met before out-of-state use may occur:

(a) The department and, if applicable, the legislature may not approve a change in appropriation right for the withdrawal and transportation of appropriated water for use outside the state unless the appropriator proves by clear and convincing evidence and, if applicable, the legislature approves after one or more public hearings that:

(i) depending on the volume of water diverted or consumed, the applicable criteria and procedures of subsection (2) or (4) are met;

(ii) the proposed out-of-state use of water is not contrary to water conservation in Montana; and

(iii) the proposed out-of-state use of water is not otherwise detrimental to the public welfare of the citizens of Montana.

(b) In determining whether the appropriator has proved by clear and convincing evidence that the requirements of subsections (6)(a)(ii) and (6)(a)(iii) will be met, the department and, if applicable, the legislature shall consider the following factors:

(i) whether there are present or projected water shortages within the state of Montana;

(ii) whether the water that is the subject of the proposed change in appropriation might feasibly be transported to alleviate water shortages within the state of Montana;

(iii) the supply and sources of water available to the applicant in the state where the applicant intends to use the water; and

(iv) the existing legal demands of water rights placed on the applicant's supply in the state where the applicant intends to use the water.

(c) When applying for a change in appropriation right to withdraw and transport water for use outside the state, the applicant shall submit to and comply with the laws of the state of Montana governing the appropriation and use of water.

(7) For any application for a change in appropriation right involving 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water, the department shall give notice of the proposed change in appropriation right in accordance with 85-2-307 and shall hold one or more hearings in accordance with 85-2-309 prior to its approval or denial of the proposed change in appropriation right. The department shall provide notice and may hold one or more hearings upon any other proposed change in appropriation right if it determines that the proposed change in appropriation right might adversely affect the rights of other persons.

(8) The department or the legislature, if applicable, may approve a change in appropriation right subject to the terms, conditions, restrictions, and limitations that it considers necessary to satisfy the criteria of this section, including limitations on the time for completion of the change in appropriation right. The department may extend time limits specified in the change in appropriation right approval under the applicable criteria and procedures of 85-2-312.

(9) Upon actual application of water to the proposed beneficial use within the time allowed, the appropriator shall notify the department that the appropriation has been completed. The notification must contain a certified statement by a person with experience in the design, construction, or operation of appropriation works describing how the appropriation was completed.

(10) If a change in appropriation right is not completed as approved by the department or legislature or if the terms, conditions, restrictions, and limitations of the change in appropriation right approval are not complied with, the department may, after notice and opportunity for hearing, require the appropriator to show cause why the change in appropriation right approval should not be modified or revoked. If the appropriator fails to show sufficient cause, the department may modify or revoke the change in appropriation right approval.

(11) The original of a change in appropriation right approval issued by the department must be sent to the applicant, and a duplicate must be kept in the office of the department in Helena.

(12) A person holding an issued permit or change in appropriation right approval that has not been perfected may change the place of diversion, place of use, purpose of use, or place of storage by filing an application for change in appropriation right pursuant to this section.

(13) A change in appropriation right contrary to the provisions of this section is invalid. An officer, agent, agency, or employee of the state may not knowingly permit, aid, or assist in any manner an unauthorized change in appropriation right. A person or corporation may not, directly or indirectly, personally or through an agent, officer, or employee, attempt to change an appropriation right except in accordance with this section.

(14) The department may adopt rules to implement the provisions of this section.

~~(15) (a) An appropriator may change an appropriation right for a replacement well without the prior approval of the department if:~~

~~(i) the appropriation right is for:~~

~~(A) ground water outside the boundaries of a controlled ground water area; or~~

~~(B) ground water inside the boundaries of a controlled ground water area and if the provisions of the rule establishing the controlled ground water area do not restrict a change in appropriation right;~~

~~(ii) the change in appropriation right is to replace an existing well and the existing well will no longer be used;~~

~~(iii) the rate and volume of the appropriation from the replacement well are equal to or less than that of the well being replaced and do not exceed:~~

~~(A) 450 gallons a minute for a municipal well; or~~

~~(B) 35 gallons a minute and 10 acre-feet a year for all other wells;~~

~~(iv) the water from the replacement well is appropriated from the same aquifer as the water appropriated from the well being replaced; and~~

~~(v) a timely, correct and complete notice of replacement well is submitted to the department as provided in subsection (15)(b).~~

~~(b) (i) After completion of a replacement well and appropriation of ground water for a beneficial use, the appropriator shall file a notice of replacement well with the department on a form provided by the department.~~

~~(ii) (A) The department shall review the notice of replacement well and shall issue an authorization of a change in an appropriation right if all of the criteria in subsection (15)(a) have been met and the notice is correct and complete.~~

~~(B) If the replacement well is located on national forest system lands, the notice is not correct and complete under this subsection (15) until the appropriator has submitted proof of any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of constructing the replacement well.~~

~~(iii) The department may not issue an authorization of a change in appropriation right until a correct and complete notice of replacement well has been filed with the department. The department shall return a defective notice to the appropriator, along with a description of defects in the notice. The appropriator shall refile a corrected and completed notice of replacement well within 30 days of notification of defects or within a further time as the department may allow, not to exceed 6 months.~~

~~(iv) If a notice of replacement well is not completed within the time allowed, the appropriator shall:~~

~~(A) cease appropriation of water from the replacement well pending approval by the department; and~~

~~(B) submit an application for a change in appropriation right to the department pursuant to subsections (1) through (3).~~

~~(c) The provisions of this subsection (15) do not apply to an appropriation right abandoned under 85-2-404.~~

~~(d) For each well that is replaced under this subsection (15), the appropriator shall follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202.~~

~~(e) The provisions of subsections (2), (3), (9), and (10) do not apply to a change in appropriation right that meets the requirements of subsection (15)(a).~~

~~(16) (a) An appropriator may change an appropriation right without the prior approval of the department for the purpose of constructing a redundant~~

~~water supply well in a public water supply system, as defined in 75-6-102, if the redundant water supply well:~~

~~(i) withdraws water from the same ground water source as the original well; and~~

~~(ii) is required by a state or federal agency.~~

~~(b) The priority date of the redundant water supply well is the same as the priority date of the original well. Only one well may be used at one time.~~

~~(c) Within 60 days of completion of a redundant water supply well, the appropriator shall file a notice of construction of the well with the department on a form provided by the department. The department may return a defective notice of construction to the appropriator for correction and completion. If the redundant water supply well is located on national forest system lands, the notice is not correct and complete under this subsection until the appropriator has submitted proof of any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of constructing the redundant water supply well.~~

~~(d) The provisions of subsections (9) and (10) do not apply to a change in appropriation right that meets the requirements of this subsection (16).~~

~~(17)~~*(15)* The department shall accept and process an application for a change in appropriation right for instream flow to protect, maintain, or enhance streamflows pursuant to 85-2-320 and this section and to benefit the fishery resource pursuant to 85-2-436 and this section.

~~(18) (a) An appropriator may change an appropriation right for a replacement point of diversion without the prior approval of the department if:~~

~~(i) the existing point of diversion is inoperable due to natural causes or deteriorated infrastructure;~~

~~(ii) there are no other changes to the water right;~~

~~(iii) the capacity of the diversion is not increased;~~

~~(iv) there are no points of diversion or intervening water rights between the existing point of diversion and the replacement point of diversion or the appropriator obtains written waivers from all intervening water right holders;~~

~~(v) the replacement point of diversion is on the same surface water source and is located as close as reasonably practicable to the existing point of diversion;~~

~~(vi) the replacement point of diversion replaces an existing point of diversion and the existing point of diversion will no longer be used;~~

~~(vii) the appropriator can show that the existing point of diversion has been used in the 10 years prior to the notice for change of appropriation right for a replacement point of diversion;~~

~~(viii) the appropriator can show the change will not increase access to water availability, change the method of irrigation, if applicable, or increase the amount of water diverted, used, or consumed; and~~

~~(ix) a timely, correct and complete notice of replacement point of diversion is submitted to the department as provided in subsection (18)(b).~~

~~(b) (i) Within 60 days after completion of a replacement point of diversion, the appropriator shall file a notice of replacement point of diversion with the department on a form provided by the department.~~

~~(ii) The department shall review the notice of replacement point of diversion and shall issue an authorization of a change in an appropriation right if all of the criteria in subsection (18)(a) have been met and the notice is correct and complete. The department may inspect the diversion to confirm that the criteria under subsection (18)(a) have been met. If the department issues an authorization of a change in an appropriation right for a replacement point

~~of diversion, the department shall prepare a notice of the authorization and provide notice of the authorization in the same manner as required in 85-2-307 for applications.~~

~~(iii) The department may not issue an authorization of a change in appropriation right until a correct and complete notice of replacement point of diversion has been filed with the department. The department shall return a defective notice to the appropriator, along with a description of defects in the notice. The appropriator shall refile a corrected and completed notice of replacement point of diversion within 30 days of notification of defects or within a further time as the department may allow, not to exceed 6 months.~~

~~(iv) If a notice of replacement point of diversion is not filed and completed within the time allowed or if the department determines the criteria under subsection (18)(a) have not been met, the appropriator shall:~~

~~(A) cease appropriation of water from the replacement point of diversion pending approval by the department; and~~

~~(B) submit an application for a change in appropriation right to the department pursuant to subsections (1) through (3).~~

~~(c) The provisions of this subsection (18) do not apply to an appropriation right abandoned under 85-2-404.~~

~~(d) The provisions of subsections (2), (3), (9), and (10) do not apply to a change in appropriation right that meets the requirements of subsection (18)(a).~~

~~(e) (i) An appropriator may file a correct and complete objection with the department alleging that the change in appropriation right for a replacement point of diversion will adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under Title 85, chapter 2, part 3.~~

~~(ii) If the department determines after a contested case hearing between the appropriator and the objector that the rights of other appropriators have been or will be adversely affected, it may revoke the change or make the change subject to terms, conditions, restrictions, or limitations necessary to protect the rights of other appropriators.~~

~~(iii) The burden of proof to prove lack of adverse effect at the hearing is on the appropriator changing the point of diversion.~~"

Section 5. Section 85-2-407, MCA, is amended to read:

"**85-2-407. Temporary changes in appropriation right.** (1) Except as provided in 85-2-410, an appropriator may not make a temporary change in appropriation right for the appropriator's use or another's use except with department approval in accordance with 85-2-402*, [section 1],* and this section.

(2) Except as provided in subsection (9), a temporary change in appropriation right may be approved for a period not to exceed 10 years. A temporary change in appropriation right may be approved for consecutive or intermittent use.

(3) An authorization for a temporary change in appropriation right may be renewed by the department for a period not to exceed 10 years. There is no limitation on the number of renewals the appropriator may seek. Renewal of an authorization for a temporary change in appropriation right requires notice to the department by the appropriator. Upon receipt of the notice, the department shall notify other appropriators potentially affected by the renewal and shall allow 90 days for submission of new evidence of adverse effects to other water rights. A temporary change authorization may not be renewed by the department if it determines that the right of an appropriator, other than an appropriator described in subsection (7), is adversely affected.

(4) (a) During the term of the original temporary change authorization, the department may modify or revoke its authorization for a temporary change if it determines that the right of an appropriator, other than an appropriator described in subsection (7), is adversely affected.

(b) An appropriator, other than an appropriator identified in subsection (7), may object:

(i) during the initial temporary change application process;

(ii) during the temporary change renewal process; and

(iii) once during the term of the temporary change permit.

(5) The priority of appropriation for a temporary change in appropriation right is the same as the priority of appropriation of the right that is temporarily changed.

(6) Neither a change in appropriation right nor any other authorization right is required for reversion of the appropriation right to the permanent purpose, place of use, point of diversion, or place of storage after the period for which a temporary change was authorized expires.

(7) A person issued a water use permit with a priority of appropriation after the date of filing of an application for a temporary change in appropriation right under this section may not object to the exercise of the temporary change according to its terms, the renewal of the authorization for the temporary change, or the reversion of the appropriation right to its permanent purpose, place of use, point of diversion, or place of storage. Persons described in this subsection must be notified of the existence of any temporary change authorizations from the same source of supply.

(8) If a water right for which a temporary change in appropriation right has been approved is transferred as an appurtenance of real property, the temporary change remains in effect unless another change in appropriation right is authorized by the department.

(9) If the quantity of water that is subject to a temporary change in appropriation right is made available from the development of a new water conservation or storage project, a temporary change in appropriation right may be approved for a period not to exceed 30 years unless a renewal is obtained pursuant to subsection (3)."

Section 6. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 85, chapter 2, part 4, and the provisions of Title 85, chapter 2, part 4, apply to [section 1].

Approved May 13, 2025

CHAPTER NO. 680

[HB 480]

AN ACT GENERALLY REVISING LAWS RELATED TO WHEN A PARTY TO A PROCEEDING IS ENTITLED TO A TRIAL BY JURY; PROVIDING THAT ANY PARTY IN A PROCEEDING CHALLENGING LEGISLATIVE ACTS OR BALLOT ISSUES MAY DEMAND A TRIAL BY JURY TO DETERMINE AN ISSUE OF FACT; AMENDING SECTION 27-8-302, MCA.

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

Section 1. Trial jury right in constitutional challenges -- definition. (1) When a proceeding challenges the constitutionality or other illegality of a legislative act or a proposed or adopted ballot issue, as defined in 13-1-101, and that proceeding involves the determination of an issue of fact, any party to the proceeding is entitled to a trial by jury on a determination of an issue of fact that is in dispute.

(2) When a proceeding under this chapter challenges the constitutionality or other illegality of a legislative act or a proposed or adopted ballot issue, as defined in 13-1-101, and that proceeding involves the determination of an issue of fact, any party to the proceeding is entitled to a trial by jury on a determination of an issue of fact that is in dispute.

Section 2. Section 27-8-302, MCA, is amended to read:

"**27-8-302. Jury trial.** *(1)* When a proceeding under this chapter involves the determination of an issue of fact, ~~such~~ *the* issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

(2) When a proceeding under this chapter challenges the constitutionality or other illegality of a legislative act or a proposed or adopted ballot issue, as defined in 13-1-101, and that proceeding involves the determination of an issue of fact, any party to the proceeding is entitled to a trial by jury on a determination of an issue of fact that is in dispute."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 3, chapter 15, and the provisions of Title 3, chapter 15, apply to [section 1].

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

Section 5. Applicability. [This act] applies to proceedings under [this act] for which a party to a civil action has demanded a jury trial on or after [the effective date of this act].

Approved May 13, 2025

CHAPTER NO. 681

[HB 490]

AN ACT GENERALLY REVISING LAWS RELATING TO WILDFIRES AND UTILITIES; REQUIRING CERTAIN ENTITIES TO PREPARE A WILDFIRE MITIGATION PLAN; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS FOR THE WILDFIRE MITIGATION PLAN; PROVIDING FOR APPROVAL OF THE WILDFIRE MITIGATION PLAN; REQUIRING UPDATED REPORTS RELATING TO THE WILDFIRE MITIGATION PLAN AND SUBMISSION OF AN UPDATED WILDFIRE MITIGATION PLAN; PROVIDING THAT CERTAIN ENTITIES THAT HAVE SUBSTANTIALLY FOLLOWED AN APPROVED WILDFIRE MITIGATION PLAN ARE AFFORDED CERTAIN CIVIL LIABILITY PROTECTIONS FOR INJURY OR DAMAGES CAUSED BY WILDFIRE; REVISING THE STANDARD OF CARE RELATING TO CERTAIN ENTITIES AND WILDFIRE; PROVIDING RULEMAKING AUTHORITY TO THE PUBLIC SERVICE COMMISSION RELATING TO WILDFIRE MITIGATION PLANS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Legislature finds that electric facilities providers of Montana have an obligation to serve customers and extend services, which is different from typical businesses, and that they provide a necessary and beneficial public service for the supply, transmission, and delivery of electricity to the people of Montana as well as a fundamental basis of economic growth and development of all sectors of Montana's economy; and

WHEREAS, there is a growing threat of wildfires in the United States and within the state of Montana; and

WHEREAS, in recognition of electric facilities providers' obligation to serve their customers and in order to secure and sustain Montana's reliable provision of electricity and services associated with it at just and reasonable rates, electric facilities providers must be encouraged and have the right to deliver and transmit electricity throughout the state without fear or risk of being held strictly liable for wildfire losses under the common law theory of ultrahazardous activity or being held liable for wildfires caused by factors beyond their control; and

THEREFORE, the intent of the Legislature to protect electric facilities providers from strict liability and uncertain common law standards of care in the event of an unintentionally or negligently caused wildfire and to provide a standard of care for electric facilities providers that choose to affirmatively undertake wildfire mitigation efforts.

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

Section 1. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Approval authority" means the commission for a regulated utility, the board of trustees for an electric cooperative, the city council or city commission for a municipal utility, or the appropriate body responsible for corporate governance of any other type of electric facilities provider.

(2) "Commission" has the same meaning as provided in 69-1-101.

(3) "Department" means the department of natural resources and conservation, as provided in 2-15-3301.

(4) "Electric cooperative" means a cooperative organized under Title 35, chapter 18, or a similar state law for providing electricity to the public in Montana.

(5) "Electric facilities" means any equipment used for the transmission or distribution of electricity to the public, including but not limited to generation and energy storage resources, substations, switchyards, poles, towers, transformers, conductors, and relaying, sectionalizing, and protective equipment, such as arrestors.

(6) "Electric facilities provider" means any of the following that engages in electric transmission and distribution activities as defined in this section:

(a) a an operator, regulated utility, or electric cooperative;

(b) a municipally owned utility;

(c) an entity, owning electric facilities in the state without regard to the jurisdiction of the commission; or

(d) a transmitting utility under the jurisdiction of the federal energy regulatory commission.

(7) "Electric transmission and distribution activities" means a condition, activity, or facility directly related to the conveyance and distribution of electrical energy to a person, facility, transmission, or distribution system in the state.

(8) "Jointly owned electric facility" means an identified set of electric facilities that is jointly owned by multiple parties and operated by a designated operator.

(9) "Operator" means the person or entity designated by the owners of a jointly owned electric facility as defined in this section as responsible for the operation and maintenance of jointly owned electric facilities.

(10) "Regulated utility" means a public electric utility regulated by the commission under Title 69, chapter 3.

(11) "Wildfire" has the same meaning as "forest or range fire" as defined in 50-63-104 and, for the purposes of [sections 1 through 3], a fire ignited

by electric facilities or activities associated with electric transmission and distribution activities, regardless of whether the fire's ignition occurs within an incorporated municipality.

(12) "Wildfire mitigation plan" means an electric facilities provider's written plan, including any related components, that identifies risks associated with wildfire and strategies to mitigate or reduce those risks.

Section 2. Electric facilities provider -- wildfire -- wildfire mitigation plan approval. (1) An electric facilities provider shall prepare a wildfire mitigation plan in accordance with this section and submit the plan to its approval authority and commence implementation of its wildfire mitigation plan no later than December 31, 2025. An electric facilities provider shall resubmit an updated or subsequent wildfire mitigation plan to its approval authority at least every 3 years.

(2) A wildfire mitigation plan must include a description of:

(a) areas in which the electric facilities provider has electric facilities or electric transmission and distribution activities that may be subject to a heightened risk of wildfire;

(b) the strategies and programs that the electric facilities provider will use to inspect, maintain, repair, and operate its electric facilities;

(c) the strategies and programs that the electric facilities provider will use to perform vegetation management;

(d) the strategies for modifications or upgrades to electric facilities and preventative programs that the electric facilities provider will employ to reduce the risk of its electric facilities igniting a wildfire;

(e) the strategies and methods for de-energizing power lines and modifying electric facility operations to mitigate potential wildfires taking into consideration the ability of the electric facilities provider to reasonably access the proposed electric facility to be de-energized, the balance of the risk of wildfire with the need for continued supply of electricity to a community, and any potential impact to public safety, first responders, and health and communications infrastructure;

(f) the methods the electric facilities provider intends to use to restore its electrical system in the event systems are de-energized for the prevention of a wildfire;

(g) the estimated incremental costs associated with implementing the plan, including system improvements and upgrades for a regulated utility;

(h) community outreach and public awareness efforts before and during a wildfire season; and

(i) potential participation, if applicable, with state or local wildland fire protection plans or wildfire mitigation plans.

(3) An electric cooperative must present incremental costs associated with implementing a wildfire mitigation plan to its approval authority for consideration when reviewing the plan. However, those costs may not be a part of the wildfire mitigation plan itself.

(4) For the purposes of [sections 1 through 3], the approval authority for an electric facilities provider's wildfire mitigation plan shall:

(a) initially review an electric facilities provider's wildfire mitigation plan;

(b) consider any input from a federal, tribal, state, or local entity, or other interested persons during a public comment period not to exceed 45 days; and

(c) after a public meeting and no more than 60 days after the close of public comment:

(i) approve the wildfire mitigation plan or identify any deficiencies in the plan; and

(ii) provide required modifications in writing with the opportunity for the electric facilities provider to correct the deficiencies and resubmit the plan for approval.

(5) The department and Montana disaster and emergency services shall review a wildfire mitigation plan submitted to the commission and within the public comment period provide comments and recommendations regarding aspects of the plan within each of their jurisdictions.

(6) The approval authority shall approve the wildfire mitigation plan if the approval authority determines the wildfire mitigation plan contains the required components in subsection (2), is in the public interest, and reasonably balances the incremental costs of implementing the plan with the risk of a potential wildfire.

(7) No later than June 1 of each year, the electric facilities provider shall submit to its approval authority a report summarizing the electric facilities provider's wildfire mitigation efforts and compliance with its currently authorized wildfire mitigation plan.

(8) For any jointly owned electric facilities, the operator shall prepare and implement the required wildfire mitigation plan for the jointly owned electric facilities. If an owner of a jointly owned electric facility is a regulated utility, the commission is the approval authority whether or not the operator is a regulated utility. The operator's submission and implementation of a wildfire mitigation plan as required by this subsection satisfies the obligations under this section for the jointly owned electric facility only.

(9) In accordance with the Montana Administrative Procedure Act, the commission may make any necessary rules establishing procedures for the review and comment on a regulated utility's wildfire mitigation plan, including for the appointment of a technical master to determine whether the wildfire mitigation plan contains the required components in subsection (2).

(10) Nothing in this section may be construed to create a new liability, basis for claim, or separate legal cause of action arising from the review or approval of a wildfire mitigation plan when none would exist otherwise.

Section 3. Electric facilities provider -- wildfire -- cause of action -- standard of care -- damages. (1) The purpose of this section is to set statutory criteria governing the civil liability of an electric facilities provider for wildfire-related claims. An electric facilities provider has an obligation to serve the public, and a standard of strict liability may not be applied to an electric facilities provider as follows:

(a) in a cause of action alleging the electric facilities provider's electric facilities or electric transmission and distribution activities caused wildfire-related damages; or

(b) in a cause of action alleging an electric facilities provider's wildfire mitigation activities conducted in accordance with a wildfire mitigation plan caused damages.

(2) An electric facilities provider may be found civilly liable only under the provisions of this section, and may not be found civilly liable under any other statute, theory of recovery, or common law claim, for wildfire-related injury or damages arising from the electric facilities provider's electric facilities or electric transmission and distribution activities or for injury or damages arising from any act or omission of the electric facilities provider associated with implementing a wildfire mitigation plan.

(3) An electric facilities provider may be found civilly liable for:

(a) wildfire-related injury or damages arising from the electric facilities provider's electric facilities or electric transmission and distribution activities; or

(b) injury or damages arising from an act or omission of the electric facilities provider associated with implementing a wildfire mitigation plan only if the party seeking recovery establishes:

(i) the electric facilities provider failed to exercise the degree of care, skill, and learning expected of a reasonable, similarly situated electric facilities provider at the time in the state, acting under the same or similar circumstances; and

(ii) the failure was the proximate cause of the injury to person or property for which recovery is sought.

(4) After an electric facilities provider has commenced implementation of its wildfire mitigation plan, in an action against an electric facilities provider seeking wildfire-related damages arising from the electric facilities provider's electric facilities or electric transmission and distribution activities, there is a rebuttable presumption that the electric facilities provider acted reasonably if, with respect to the place of the wildfire's ignition, the electric facilities provider substantially followed a wildfire mitigation plan that was approved in accordance with [section 2], provided that evidence related to the electric facilities provider's actual incremental costs associated with implementing a wildfire mitigation plan may not be considered in determining whether the electric facilities provider substantially followed its wildfire mitigation plan. The presumption in this subsection ~~(4)~~ may be controverted by other evidence.

(5) In an action against an electric facilities provider under this section, if a plaintiff has proved liability, as required:

(a) a plaintiff may recover for real and personal property damage pursuant to 50-63-104;

(b) in the event of a bodily injury or death, a plaintiff may recover:

(i) economic damages, including medical expenses and lost wages; and

(ii) noneconomic damages;

(c) a plaintiff may not recover noneconomic losses unless the plaintiff suffered bodily injury or death;

(d) an electric facilities provider may not be assessed punitive damages unless there is a showing, by clear and convincing evidence, that the electric facilities provider's actions were grossly negligent or intentional. An electric facilities provider's acts or omissions may not be considered grossly negligent if the electric facilities provider substantially followed its wildfire mitigation plan with respect to the place of ignition. The availability of punitive damages is otherwise subject to the provisions of 27-1-220 and 27-1-221.

(e) a person who obtains payment pursuant to a policy of insurance for damages resulting from a wildfire loss is deemed to have been made whole exclusively for purposes of an insurer's right to subrogation under this section.

(6) A civil action against an electric facilities provider under this section must be commenced within 3 years from the date the plaintiff first incurred injury or damages, without regard to when the injury or damages are discovered.

(7) This section does not affect express contractual rights of any person or entity in any way involving communications facilities or the shared use of electric facilities or pole attachments.

Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 5. Codification instruction. [Sections 1 through 3] are intended to be codified as a new part in Title 69, chapter 2, and the provisions of Title 69, chapter 2, apply to [sections 1 through 3].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is

invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

Approved May 13, 2025

CHAPTER NO. 682

[HB 492]

AN ACT REVISING LOCAL GOVERNMENT LAWS; PROVIDING FOR LIMITED PARKING SPACE REQUIREMENTS IN MUNICIPAL ZONING; ALLOWING PROPERTY OWNERS, DEVELOPERS, AND BUILDERS TO PROVIDE MORE THAN THE MINIMUM NUMBER OF PARKING SPACES; AMENDING SECTIONS 76-2-304 AND 76-25-303, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Section 76-2-304, MCA, is amended to read:

"**76-2-304. Criteria and guidelines for zoning regulations.** (1) Zoning regulations must be:

(a) made in accordance with a growth policy; and

(b) designed to:

(i) secure safety from fire and other dangers;

(ii) promote public health, public safety, and the general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

(b) the effect on motorized and nonmotorized transportation systems;

(c) promotion of compatible urban growth;

(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) In a city with a population of at least 5,000 residents, duplex housing must be allowed as a permitted use on a lot where a single-family residence is a permitted use, and zoning regulations that apply to the development or use of duplex housing may not be more restrictive than zoning regulations that are applicable to single-family residences.

(4) (a) In a municipality that is designated as an urban area by the United States census bureau with a population over 5,000 as of the most recent census, the city council or other legislative body of the municipality shall allow as a permitted use multiple-unit dwellings and mixed-use developments that include multiple-unit dwellings on a parcel or lot that:

(i) has a will-serve letter from both a municipal water system and a municipal sewer system; and

(ii) is located in a commercial zone.

(b) Zoning regulations in municipalities meeting the requirements of subsection (4)(a) may not include a requirement to provide more than:

(i) one off-street parking space for each unit and accessible parking spaces as required by the Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et seq.; or

(ii) an equivalent number of spaces required under subsection (4)(b)(i) provided through a shared parking agreement.

(5) Except to provide accessible parking spaces as required by the Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et seq., zoning regulations may not include provisions that require:

(a) more than one parking space for each residential dwelling unit;

(b) any minimum parking requirement for:

(i) existing buildings, including vacant buildings, undergoing a change of use;

(ii) child-care facilities licensed or registered by the department of public health and human services;

(iii) deed-restricted affordable housing; or

(iv) assisted living facilities; or

(c) more than one-half parking space for each residential unit under 1,200 square feet.

(6) Nothing in this part restricts a property owner, developer, or builder from providing more parking spaces than the minimum number of parking spaces required in zoning regulations adopted under this part.

~~(5)~~*(7)* As used in this section, the following definitions apply:

(a) "Duplex housing" means a parcel or lot with two dwelling units that are designed for residential occupancy by not more than two family units living independently from each other.

(b) "Family unit" means:

(i) a single person living or residing in a dwelling or place of residence; or

(ii) two or more persons living together or residing in the same dwelling or place of residence.

(c) "Mixed-use development" means a development consisting of residential and nonresidential uses in which the nonresidential uses are less than 50% of the total square footage of the development and are limited to the first floor of buildings that are two or more stories.

(d) "Multiple-unit dwelling" means a building designed for five or more dwelling units in which the dwelling units share a common separation like a ceiling or wall and in which access cannot be gained between units through an internal doorway, excluding common hallways.

(e) "Single-family residence" has the meaning provided in 70-24-103."

Section 2. Section 76-25-303, MCA, is amended to read:

"**76-25-303. Limitations on zoning authority.** (1) A local government acting pursuant to this part may not:

(a) treat manufactured housing units differently from any other residential units;

(b) include in a zoning regulation any requirement to:

(i) pay a fee for the purpose of providing housing for specified income levels or at specified sale prices; or

(ii) dedicate real property for the purpose of providing housing for specified income levels or at specified sale prices, including a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices;

(c) prevent the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(d) establish a maximum height limit for an amateur radio antenna of less than 100 feet above the ground;

(e) subject to subsection (2) and outside of incorporated municipalities, prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources identified in the land use plan, except that the use, development, or recovery may be reasonably conditioned or prohibited within residential zones;

(f) except as provided in subsection (3), treat the following differently from any other residential use of property:

(i) a foster home, kinship foster home, youth shelter care facility, or youth group home operated under the provisions of 52-2-621 through 52-2-623, if the home or facility provides care on a 24-hour-a-day basis;

(ii) a community residential facility serving eight or fewer persons, if the facility provides care on a 24-hour-a-day basis; or

(iii) a family day-care home or a group day-care home registered by the department of public health and human services under Title 52, chapter 2, part 7;

(g) except as provided in subsection (3), apply any safety or sanitary regulation of the department of public health and human services or any other agency of the state or a political subdivision of the state that is not applicable to residential occupancies in general to a community residential facility serving 8 or fewer persons or to a day-care home serving 12 or fewer children; ~~or~~

(h) prohibit any existing agricultural activities or force the termination of any existing agricultural activities outside the boundaries of an incorporated city, including agricultural activities that were established outside the corporate limits of a municipality and thereafter annexed into the municipality*; or*

(i) except to provide accessible parking spaces as required by the Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et seq., require:

(i) more than one parking space for each residential dwelling unit; or

(ii) any minimum parking requirement for:

(A) existing buildings, including vacant buildings, undergoing a change of use;

(B) child-care facilities licensed or registered by the department of public health and human services;

(C) residential units under 1,200 square feet;

(D) deed-restricted affordable housing; or

(E) assisted living facilities.

(2) Regulations that condition or prohibit uses pursuant to subsection (1)(e) must be in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432.

(3) Except for a day-care home registered by the department of public health and human services, a local government may impose zoning standards and conditions on any type of home or facility identified in subsections (1)(f) and (1)(g) if those zoning standards and conditions do not conflict with the requirements of subsections (1)(f) and (1)(g).

(4) Nothing in this part restricts a property owner, developer, or builder from providing more parking spaces than the minimum number of parking spaces required in zoning regulations adopted under this part."

Section 3. Effective date. [This act] is effective October 1, 2026.

Approved May 13, 2025

CHAPTER NO. 683

[HB 495]

AN ACT REPEALING THE FEDERAL MANDATES ACT; REVISING REPORTING REQUIREMENTS; AND REPEALING SECTIONS 2-1-401, 2-1-403, 2-1-404, 2-1-405, 2-1-406, 2-1-407, AND 2-1-408, MCA.

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

Section 1. Repealer. The following sections of the Montana Code Annotated are repealed:

2-1-401. Short title.
2-1-403. Definitions.
2-1-404. State programs to implement federal statutes.
2-1-405. Requirement for budget recommendation -- reporting on federal mandates -- savings.
2-1-406. Information regarding federal mandates.
2-1-407. Report -- recommendations.
2-1-408. Legislative review and oversight.

Section 2. Directions to code commissioner. The code commissioner is directed to renumber 2-1-409 into a new section in Title 5, chapter 11, part 1.

Section 3. Directions to code commissioner. The code commissioner is directed to renumber 2-1-402 into a new section in Title 5, chapter 11, part 1.

Approved May 13, 2025

CHAPTER NO. 684

[HB 505]

AN ACT PROVIDING THAT THE MONTANA HOUSING INFRASTRUCTURE REVOLVING LOAN FUND MAY BE USED TO SECURE BONDS AND PROVIDE FINANCING FOR ELIGIBLE PROJECTS AND RETAINING ALL INTEREST AND INCOME IN THE ACCOUNTS; PROVIDING FOR A TRANSFER OF FUNDS; ELIMINATING ELIGIBILITY PRIORITY; AMENDING SECTIONS 17-6-801, 17-6-804, AND 17-6-805, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Section 17-6-801, MCA, is amended to read:

"**17-6-801. Montana housing infrastructure revolving loan fund account.** (1) There is a Montana housing infrastructure revolving loan fund account within the state special revenue fund type established in 17-2-102 to the credit of the board of investments. Money deposited in the account established in this section must be invested by the board of investments as provided by law. *All interest and income earned on the account must be retained in the account.*

(2) The principal of the account may only be appropriated by a vote of two-thirds of the members of each house of the legislature."

Section 2. Section 17-6-804, MCA, is amended to read:

"**17-6-804. Eligibility -- priority.** (1) For the costs of an infrastructure project to be eligible to be paid by the proceeds of a loan or bonds or other securities of an eligible government unit as defined in 17-5-1604, the infrastructure project must provide for residential development at a minimum gross density of 10 units for each acre.

~~(2) Lending of at least $7 million of available funds must be prioritized to counties that have a population of less than 15,000 inhabitants that are located within a 30-mile radius of a state-owned facility that, on an annual average, houses at least 100 state inmates or behavioral health patients, and the state-owned facility is located in a county that has a population that does not exceed 15,000 inhabitants~~

(2) General fund transfers in the account created in 17-6-801 pursuant to [section 4] may be used for eligible infrastructure projects for residential development at a minimum gross density of three units for each acre."

Section 3. Section 17-6-805, MCA, is amended to read:

"**17-6-805. Financing -- deed restrictions.** (1) The board of investments may make loans from the account established in 17-6-801 to an eligible government unit as defined in 17-5-1604 or an applicant for residential development to cover the costs of demolition or expanding or extending water, wastewater, storm water, street, road, curb, gutter, and sidewalk infrastructure to serve new or rehabilitated residential development.

(2) The board of investments may purchase up to 50% of a bond or other security issued in accordance with state law by an eligible government unit as defined in 17-5-1604 to cover all or a portion of costs of expanding or extending water, wastewater, storm water, street, road, curb, gutter, and sidewalk infrastructure to serve new or rehabilitated residential development at an interest rate to be determined by the board of investments as an investment of the account established in 17-6-801.

(3) The board of investments shall:

(a) establish the terms and conditions of the loan, including the interest rate of the loan, with a term not to exceed 20 years;

(b) if an eligible government unit is the entity seeking a loan or issuing a bond or other security, require that the eligible government unit waive all impact fees for the developer or the amount of impact fees up to the amount of the loan or bond or other security, whichever amount is smaller;

(c) if an applicant for residential development is the entity seeking a loan, require that the applicant pay all impact fees due to the local government or the amount of impact fees up to the amount of the loan, whichever amount is smaller; and

(d) set policy requiring that housing built using infrastructure funded in part by a security pursuant to this section must provide for provisions to preserve long-term affordability of the housing that runs with the property for the term of the security.

(4) The board of investments shall include the amounts loaned and the status of all loans in the report required in 17-5-1650.

(5) The board of investments may use the account established in 17-6-801 to secure any portion of bonds in lieu of a pledge of the issuer's revolving fund.

(6) The board of investments may use interest income from the fund established in 17-6-801 to finance residential ownership of mobile home parks or other multifamily housing."

Section 4. Transfer of funds. By June 30, 2025, the state treasurer shall transfer $50 million from the general fund to the Montana housing infrastructure revolving loan fund account provided for in 17-6-801.

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to interest and income earned on the account provided for in 17-6-801 since June 14, 2023.

Approved May 13, 2025

CHAPTER NO. 685

[HB 513]

AN ACT REVISING LAWS RELATED TO THE NAME, VOICE, AND VISUAL LIKENESS OF INDIVIDUALS; PROVIDING RIGHTS IN THE USE OF A NAME, VOICE, OR VISUAL LIKENESS; PROVIDING PENALTIES; PROVIDING DEFINITIONS; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Property right in use of names, voices, and visual likenesses – penalties for unauthorized use. (1) An individual has property rights in their name, voice, and visual likeness, if the individual is:

(a) a resident of this state; or

(b) domiciled in this state at the time of their death.

(2) Whether or not an individual commercially benefits during their lifetime, their rights:

(a) are freely transferable, licensable, and descendible, in whole or in part;

(b) do not expire on the death of the individual to whom the right applies; and

(c) are exclusive to the individual to whom the right applies during their lifetime, subject to the transfer of rights as provided in subsection (2)(a), and to the rights holder's executors, heirs, transferees, or devisees for a period of 20 years after the death of the individual.

(3) A person is liable for damages as set forth in subsection (4) if the person, without consent of the individual exercising the individual's property rights or the holder of the individual's property rights:

(a) distributes, transmits, or otherwise makes available to the public an algorithm, software, tool, or other technology, service, or device with actual and specific knowledge that the primary purpose of that algorithm, software, tool, or other technology, service, or device is to produce one or more unauthorized digital voice depictions or digital visual depictions of the particular, identified individual for commercial use; or

(b) intentionally publishes, performs, distributes, transmits, or makes available to the public a digital voice depiction or digital visual depiction for commercial use with actual and specific knowledge that the depiction is a digital voice depiction or digital visual depiction of the individual and that the depiction is not authorized by the individual or the holder of the individual's property rights.

(4) A person who violates subsection (3)(a) or (3)(b) is liable to the injured person for the actual damages suffered by the person, plus any profits from the unauthorized use of the individual's name, voice, or visual likeness.

(5) If a person who violated subsection (3)(b) had an objectively reasonable belief that material that is claimed to be an unauthorized digital voice depiction or digital visual depiction did not qualify as an unauthorized digital voice depiction or digital visual depiction, the person is not liable for actual damages regardless of whether the material is ultimately determined to be an unauthorized digital voice depiction or digital visual depiction.

(6) (a) In establishing profits under subsection (4), the injured party must be required only to present proof of the gross revenue being either directly or indirectly attributable to the unauthorized use.

(b) The person who violates this section must be required to prove the person's expenses are deductible from this violation.

(7) An action to enforce this section may be brought by:

(a) the individual whose name, voice, or visual likeness is at issue; or

(b) any ~~other~~ person to which the individual has assigned, bequeathed, transferred, or exclusively licensed their name, voice, or visual likeness rights.

(8) To the extent the use is protected by the first amendment to the United States constitution and Article II, section 7, of the Montana constitution, it is not a violation if the use is:

(a) by a news-gathering organization;

(b) in connection with a news report, public affairs report, sports broadcast, or account;

(c) for the purposes of comment, criticism, scholarship, satire, or parody;

(d) a representation of an individual as themself in audiovisual works as defined in 17 U.S.C. 101, unless the work containing the use is intended to create, and does create, the false impression that the work is an authentic recording in which the individual participated;

(e) fleeting or negligible; or

(f) in an advertisement or commercial announcement for a work described in this subsection (8).

(9) No civil action may be maintained under the provisions of this section unless it is commenced within 4 years after the party seeking to bring the claim discovered, or should have reasonably discovered, the violation.

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

(a) "Broadband internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints. The term includes capabilities that are incidental to and enable the operation of the communications service. The term does not include dial-up internet access service.

(b) "Digital visual depiction" means a newly created, computer-generated, and highly realistic depiction made of the visual likeness of a particular individual that is created or altered in whole or in part using digital technology in a way that the depiction is nearly indistinguishable from an actual depiction of the particular individual. The depiction is such that a reasonable person believes the depiction is genuine and:

(i) it depicts the particular individual in a manner that the particular individual did not actually perform or appear ; or,

(ii) if the particular individual did perform or appear, the depiction was materially altered from the fundamental character of the performance or appearance.

(c) "Digital voice depiction" means a newly created, computer-generated, and highly realistic audio rendering of a particular individual's voice that is created or altered in whole or in part using digital technology and is fixed in a sound recording or audiovisual work that is nearly indistinguishable from the particular individual's actual voice. The depiction is such that a reasonable person believes the depiction is genuine and:

(i) it depicts the particular individual in a manner that the particular individual did not actually perform; or

(ii) if the particular individual did perform, the fundamental character of the performance and the depiction were materially altered from the fundamental character of the performance or appearance.

(d) "Individual" means a natural person, living or dead, and includes the estate of an incompetent or deceased individual.

(e) "Person" means an individual, firm, association, partnership, corporation, joint stock company, syndicate, receiver, common law trust, conservator, statutory trust, or any other concern by whatever name known or however organized, formed, or created, and includes not-for-profit corporations,

associations, educational and religious institutions, political parties, and community, civic, and other organizations.

(f) "Visual likeness" means an actual or simulated physical depiction or representation, digital depiction or representation, or other form of depiction or representation, regardless of the means of its creation, that is readily identifiable as an individual's face or other personal information displayed constituting readily identifiable characteristics of the individual.

(g) "Voice" means sounds in any medium containing the actual voice of an individual, whether recorded or generated by computer, artificial intelligence, algorithm, or other digital technology, service, or device, to the extent that the individual depicted or simulated is readily identifiable from the sound of the voice depicted or simulated, or from other personal information displayed constituting readily identifiable characteristics of the individual.

(11) This section does not apply to a provider of broadband internet access service.

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

Section 3. Effective date. [This act] is effective January 1, 2026.

Approved May 13, 2025

CHAPTER NO. 686

[HB 514]

AN ACT GENERALLY REVISING LAWS RELATED TO VIOLATING PRIVACY IN COMMUNICATIONS; EXPANDING OFFENSES TO INCLUDE OBTAINING MONEY OR VALUABLES FROM A PERSON; ADDING THE ACT OF POSSESSING AND THREATENING TO DISCLOSE REAL OR DIGITALLY FABRICATED MEDIA AS A VIOLATION; PROVIDING PENALTIES; DEFINING DIGITALLY FABRICATED; AND AMENDING SECTION 45-8-213, MCA.

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

Section 1. Section 45-8-213, MCA, is amended to read:

"**45-8-213. Privacy in communications.** (1) Except as provided in 69-6-104, a person commits the offense of violating privacy in communications if the person knowingly or purposely:

(a) with the purpose to terrify, intimidate, threaten, harass, or injure, communicates with a person by electronic communication and threatens to inflict injury or physical harm to the person or property of the person or makes repeated use of obscene, lewd, or profane language or repeated lewd or lascivious suggestions;

(b) uses an electronic communication to attempt to extort money or any other thing of value from a person or to disturb by repeated communications the peace, quiet, or right of privacy of a person at the place where the communications are received;

(c) records or causes to be recorded a conversation by use of a hidden electronic or mechanical device that reproduces a human conversation without the knowledge of all parties to the conversation; ~~or~~

(d) with the purpose to terrify, intimidate, threaten, harass, or injure~~;~~ *or to obtain money or other valuable consideration,* publishes*,* ~~or~~ distributes*, or discloses real or digitally fabricated* printed or electronic photographs, pictures, images, or films of an identifiable person without the consent of the person depicted that show:

(i) the visible genitals, anus, buttocks, or female breast if the nipple is exposed; or

(ii) the person depicted engaged in a real or simulated sexual act.~~;~~ *; or*

(e) with the purpose to obtain money or other valuable consideration from an identifiable person without the consent of the person depicted, possesses and threatens to disclose real or digitally fabricated images or videos that show:

(i) the visible genitals, anus, buttocks, or female breast if the nipple is exposed; or

(ii) the person depicted engaged in a real or simulated sexual act.

(2) (a) Subsection (1)(c) does not apply to:

(i) elected or appointed public officials or to public employees when the transcription or recording is done in the performance of official duty;

(ii) persons speaking at public meetings;

(iii) persons given warning of the transcription or recording. If one person provides the warning, either party may record.

(iv) a health care facility, as defined in 50-5-101, or a government agency that deals with health care if the recording is of a health care emergency telephone communication made to the facility or agency.

(b) Subsection (1)(d) does not apply to:

(i) images involving the voluntary exposure of a person's genitals or intimate parts in public or commercial settings;

(ii) disclosures made in the public interest, including but not limited to the reporting of unlawful conduct;

(iii) disclosures made in the course of performing duties related to law enforcement, including reporting to authorities, criminal or news reporting, legal proceedings, or medical treatment; or

(iv) disclosures concerning historic, artistic, scientific, or educational materials.

(3) Except as provided in 69-6-104, a person commits the offense of violating privacy in communications if the person purposely intercepts an electronic communication. This subsection does not apply to elected or appointed public officials or to public employees when the interception is done in the performance of official duty or to persons given warning of the interception.

(4) (a) A person convicted of the offense of violating privacy in communications shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. *A person convicted under subsection (1)(d) or (1)(e) is guilty of a misdemeanor for a first offense.*

(b) On a second conviction of subsection (1)(a)~~,~~ *or* (1)(b)~~, or (1)(d)~~, a person shall be imprisoned in the county jail for a term not to exceed 1 year or be fined an amount not to exceed $1,000, or both.

(c) On a third or subsequent conviction of subsection (1)(a)~~,~~ *or* (1)(b)~~, or (1)(d)~~, a person shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed $10,000, or both.

(d) On a second or subsequent conviction of subsection (1)(d) or (1)(e), a person is guilty of a felony and shall be imprisoned for a term not to exceed 5 years or be fined an amount not to exceed $25,000, or both.

(5) Nothing in this section may be construed to impose liability on an interactive computer service for content provided by another person.

(6) As used in this section, the following definitions apply:

(a) "Digitally fabricated" means using technical means, such as artificial intelligence, to create media that realistically misrepresents an identifiable individual as engaging in conduct in which the identifiable individual did not engage.

~~(a)~~*(b)* "Electronic communication" means any transfer between persons of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

~~(b)~~*(c)* "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and this type of service or system as operated or offered by a library or educational institution."

Approved May 13, 2025

CHAPTER NO. 687

[HB 515]

AN ACT GENERALLY REVISING LAWS RELATED TO FUNDING FOR SCHOOL FACILITIES AND TECHNOLOGY; CONSOLIDATING TWO EXISTING STATE SPECIAL REVENUE ACCOUNTS AND THEIR VARIOUS REVENUE SOURCES AND PRIORITIZING THE FUNDING OF PROGRAMS; INCREASING THE SCHOOL MAJOR MAINTENANCE AMOUNT AND THE MULTIPLIER IN THE SCHOOL MAJOR MAINTENANCE AID FORMULA TO MAKE MORE MONEY AVAILABLE TO SCHOOL DISTRICTS FOR MAJOR MAINTENANCE PROJECTS WITHOUT IMPACTING PROPERTY TAXPAYERS; REVISING STATUTES RELATED TO THE STATE SCHOOL TECHNOLOGY PAYMENT; REMOVING OUTDATED LANGUAGE RELATED TO THE NATURAL RESOURCE DEVELOPMENT PAYMENT AND PROVIDING THAT THE PAYMENT CAN SUPPORT SCHOOL MAJOR MAINTENANCE AID AND DEBT SERVICE ASSISTANCE; REVISING AN EXISTING STATUTORY APPROPRIATION; PROVIDING FOR TRANSFERS; AMENDING SECTIONS 17-5-703, 17-7-502, 20-6-702, 20-9-380, 20-9-502, 20-9-516, 20-9-525, 20-9-533, 20-9-622, AND 20-9-635, MCA; REPEALING SECTION 20-9-534, MCA; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 17-5-703, MCA, is amended to read:

"**17-5-703. (Temporary) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a Montana coal endowment fund;

(c) a Montana coal endowment regional water system fund;

(d) a coal severance tax permanent fund;

(e) a coal severance tax income fund;

(f) a big sky economic development fund;

(g) a school facilities fund;

(h) a conservation district fund; and

(i) a coal board fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (4) through (6).

(3) (a) The state treasurer shall monthly transfer from the Montana coal endowment fund to the Montana coal endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the Montana coal endowment special revenue account must be retained in the Montana coal endowment fund.

(b) The state treasurer shall monthly transfer from the Montana coal endowment regional water system fund to the Montana coal endowment regional water system special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the Montana coal endowment regional water system special revenue account must be retained in the Montana coal endowment regional water system fund.

(4) (a) Starting July 1, 2023, the state treasurer shall quarterly transfer to the school facilities fund provided for in 20-9-380(1) 10% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the school facilities fund is $300 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance tax permanent fund 10% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall ~~monthly~~ *annually* transfer *on May 15 or the Monday following* from the school facilities fund to the account established in ~~20-9-525~~ *20-9-516* the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in ~~20-9-525~~ *20-9-516* must be retained in the school facilities fund.

(5) (a) Starting July 1, 2023, the state treasurer shall quarterly transfer to the conservation district fund provided for in 76-15-108 65% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the conservation district fund is $100 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal board fund 65% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the coal board fund reaches $150 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the Montana coal endowment fund 65% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the conservation district fund to the account established in 76-15-106 the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 76-15-106 must be retained in the conservation district fund.

(c) The state treasurer shall monthly transfer from the coal board fund to the account established in 90-6-1001(2) the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state

that are payable from the account. Earnings not transferred to the account established in 90-6-1001(2) must be retained in the coal board fund.

(6) (a) From July 1, 2005, through June 30, 2035, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

(7) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, 2031--secs. 1 through 3, Ch. 305, L. 2015.)

17-5-703. (Effective July 1, 2031) Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a Montana coal endowment fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund;

(e) a big sky economic development fund;

(f) a school facilities fund;

(g) a conservation district fund; and

(h) a coal board fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (4) through (6).

(3) The state treasurer shall monthly transfer from the Montana coal endowment fund to the Montana coal endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the Montana coal endowment special revenue account must be retained in the Montana coal endowment fund.

(4) (a) Starting July 1, 2023, the state treasurer shall quarterly transfer to the school facilities fund provided for in 20-9-380(1) 10% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the school facilities fund is $300 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance tax permanent fund 10% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall ~~monthly~~ *annually* transfer *on May 15 or the Monday following* from the school facilities fund to the account established

in ~~20-9-525~~ *20-9-516* the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in ~~20-9-525~~ *20-9-516* must be retained in the school facilities fund.

(5) (a) Starting July 1, 2023, the state treasurer shall quarterly transfer to the conservation district fund provided for in 76-15-108 65% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the conservation district fund is $100 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal board fund 65% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the coal board fund reaches $150 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the Montana coal endowment fund 65% of the amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the conservation district fund to the account established in 76-15-106 the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 76-15-106 must be retained in the conservation district fund.

(c) The state treasurer shall monthly transfer from the coal board fund to the account established in 90-6-1001(2) the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in 90-6-1001(2) must be retained in the coal board fund.

(6) (a) From July 1, 2005, through June 30, 2035, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

(7) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund."

Section 2. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; ~~20-9-534~~ *20-9-516*; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2,

Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 3. Section 20-6-702, MCA, is amended to read:

"**20-6-702. Funding for K-12 school districts.** (1) Notwithstanding the provisions of subsections (2) through (6), a K-12 school district formed under the provisions of 20-6-701 is subject to the provisions of law for high school districts.

(2) The number of elected trustees of the K-12 school district must be based on the classification of the attached elementary district under the provisions of 20-3-341 and 20-3-351.

(3) Calculations for the following must be made separately for the elementary school program and the high school program of a K-12 school district:

(a) the calculation of ANB for purposes of determining the total per-ANB entitlements must be in accordance with the provisions of 20-9-311;

(b) the basic county tax for elementary equalization and revenue for the elementary BASE funding program for the district must be determined in accordance with the provisions of 20-9-331, and the basic county tax for high school equalization and revenue for the high school BASE funding program for the district must be determined in accordance with 20-9-333;

(c) the guaranteed tax base aid for BASE funding program purposes for a K-12 school district must be calculated separately, using each district's guaranteed tax base ratio, as defined in 20-9-366. The BASE budget levy to be levied for the K-12 school district must be prorated based on the ratio of the BASE funding program amounts for elementary school programs to the BASE funding program amounts for high school programs.

(d) the levy authority limits under 20-9-502(3) and the corresponding state school major maintenance aid under 20-9-525~~(3)~~ for a K-12 school district must be calculated separately for the K-12 school district's elementary and high school programs in the same manner as those limits and aid would be calculated if the K-12 school district consisted of a separate elementary and high school district.

(4) The retirement obligation and eligibility for retirement guaranteed tax base aid for a K-12 school district must be calculated and funded as a high school district retirement obligation under the provisions of 20-9-501.

(5) For the purposes of budgeting for a K-12 school district, the trustees shall adopt a single fund for any of the budgeted or nonbudgeted funds described in 20-9-201 for the costs of operating all grades and programs of the district.

(6) Tuition for attendance in the K-12 school district must be determined separately for high school pupils and for elementary pupils under the provisions of 20-5-320 through 20-5-324, except that the actual expenditures used for calculations in 20-5-323 must be based on an amount prorated between the elementary and high school programs in the appropriate funds of each district in the year prior to the attachment of the districts."

Section 4. Section 20-9-380, MCA, is amended to read:

"**20-9-380. School facilities fund ~~-- school major maintenance aid special revenue account~~.** (1) There is a school facilities fund administered by the department of administration. Pursuant to 17-5-703, a percentage of coal severance taxes received by the state must be deposited into this fund. Earnings not transferred to the school ~~major maintenance aid~~ *facility and technology* account as provided in subsection (2) must be retained in the school facilities fund.

(2) The school ~~major maintenance aid~~ *facility and technology* account established in ~~20-9-525~~ *20-9-516* receives earnings from the school facilities fund as provided in 17-5-703.

~~(3) A school district that receives funds from the schoolmajor maintenance aid account shall, within 30 days of receiving the funds, file with the office of the superintendent of public instruction a document acknowledging it has received funds from the coal severance tax trust fund.~~"

Section 5. Section 20-9-502, MCA, is amended to read:

"**20-9-502. Purpose and authorization of building reserve fund -- subfund structure.** (1) The trustees of any district may establish a building reserve fund to budget for and expend funds for any of the purposes set forth in this section. Appropriate subfunds must be created to ensure separate tracking of the expenditure of funds from voted and nonvoted levies and transfers for school safety pursuant to 20-9-236.

(2) (a) A voted levy may be imposed and a subfund must be created with the approval of the qualified electors of the district for the purpose of raising money for the future construction, equipping, or enlarging of school buildings or for the purpose of purchasing land needed for school purposes in the district. In order to submit to the qualified electors of the district a building reserve proposition for the establishment of or addition to a building reserve, the trustees shall pass a resolution that specifies:

(i) the purpose or purposes for which the new or addition to the building reserve will be used;

(ii) the duration of time over which the new or addition to the building reserve will be raised in annual, equal installments;

(iii) the total amount of money that will be raised during the duration of time specified for the levy; and

(iv) any other requirements under 15-10-425 and 20-20-201 for the calling of an election.

(b) Except as provided in subsection (4)(b), a building reserve tax authorization may not be for more than 20 years.

(c) The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a building reserve proposition must be substantially in compliance with 15-10-425.

(d) The building reserve proposition is approved if a majority of those electors voting at the election approve the establishment of or addition to the building reserve. The annual budgeting and taxation authority of the trustees for a building reserve is computed by dividing the total authorized amount by the specified number of years. The authority of the trustees to budget and impose the taxation for the annual amount to be raised for the building reserve lapses when, at a later time, a bond issue is approved by the qualified electors of the district for the same purpose or purposes for which the building reserve fund of the district was established. Whenever a subsequent bond issue is made for the same purpose or purposes of a building reserve, the money in the

building reserve must be used for the purpose or purposes before any money realized by the bond issue is used.

(3) (a) A subfund must be created to account for revenue and expenditures for school major maintenance and repairs authorized under this subsection (3). The trustees of a district may authorize and impose a levy of no more than 10 mills on the taxable value of all taxable property within the district for that school fiscal year for the purposes of raising revenue for identified improvements or projects meeting the requirements of 20-9-525~~(2)~~. The 10-mill limit under this subsection (3) must be calculated using the district's total taxable valuation most recently certified by the department of revenue under 15-10-202. The amount of money raised by the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525~~(3)~~ may not exceed the district's school major maintenance amount *as defined in 20-9-525*. ~~For the purposes of this section, the term "school major maintenance amount" means the sum of $15,000 and the product of $110 multiplied by the district's budgeted ANB for the prior fiscal year.~~ To authorize and impose a levy under this subsection (3), the trustees shall:

(i) following public notice requirements pursuant to 20-9-116, adopt no later than March 31 of each fiscal year a resolution:

(A) identifying the anticipated improvements or projects for which the proceeds of the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525~~(3)~~ will be used; and

(B) estimating a total dollar amount of money to be raised by the levy, the deposits and transfers authorized under subsection (3)(f) of this section, anticipated state aid pursuant to 20-9-525~~(3)~~, and the resulting estimated number of mills to be levied using the district's taxable valuation most recently certified by the department of revenue under 15-10-202; and

(ii) include the amount of any final levy to be imposed as part of its final budget meeting noticed in compliance with 20-9-131.

(b) Proceeds from the levy may be expended only for the purposes under 20-9-525~~(2)~~, and the expenditure of the money must be reported in the annual trustees' report as required by 20-9-213.

(c) Whenever the trustees of a district impose a levy pursuant to this subsection (3) during the current school fiscal year, they shall budget for the proceeds of the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525~~(3)~~ in the district's building reserve fund budget. Any expenditures of the funds must be made in accordance with the financial administration provisions of this title for a budgeted fund.

(d) When a tax levy pursuant to this subsection (3) is included as a revenue item on the final building reserve fund budget, the county superintendent shall report the levy requirement to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values and a levy on the district must be made by the county commissioners in accordance with 20-9-142.

(e) A subfund in the building reserve fund must be created for the deposit of proceeds from the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525~~(3)~~.

(f) If the imposition of 10 mills pursuant to subsection (3)(a) is estimated by the trustees to generate an amount less than the maximum levy revenue specified in subsection (3)(a), the trustees may deposit additional funds from any lawfully available revenue source and may transfer additional funds

from any lawfully available fund of the district to the subfund provided for in subsection (3)(a), up to the difference between the revenue estimated to be raised by the imposition of 10 mills and the maximum levy revenue specified in subsection (3)(a). The district's local effort for purposes of calculating its eligibility for state school major maintenance aid pursuant to 20-9-525 consists of the combined total of funds raised from the imposition of 10 mills and additional funds raised from deposits and transfers in compliance with this subsection (3)(f).

(4) (a) A voted levy may be imposed and a subfund must be created with the approval of the qualified electors of the district to provide funding for transition costs incurred when the trustees:

(i) open a new school under the provisions of Title 20, chapter 6;

(ii) close a school;

(iii) replace a school building;

(iv) consolidate with or annex another district under the provisions of Title 20, chapter 6; or

(v) receive approval from voters to expand an elementary district into a K-12 district pursuant to 20-6-326.

(b) Except as provided in subsection (4)(c), the total amount the trustees may submit to the electorate for transition costs may not exceed the number of years specified in the proposition times the greater of 5% of the district's maximum general fund budget for the current year or $250 per ANB for the current year. The duration of the levy for transition costs may not exceed 6 years.

(c) If the levy for transition costs is for consolidation or annexation:

(i) the limitation on the amount levied is calculated using the ANB and the maximum general fund budget for the districts that are being combined; and

(ii) the proposition must be submitted to the qualified electors in the combined district.

(d) The levy for transition costs may not be considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406.

(5) (a) A subfund in the building reserve fund must be created for:

(i) the funds transferred to the building reserve fund for school safety and security pursuant to 20-9-236; and

(ii) funds generated by a voter-approved levy for school and student safety and security pursuant to subsection (5)(b) of this section.

(b) A voted levy may be imposed with the approval of the qualified electors of the district to provide funding for improvements to school and student safety and security that meet any of the criteria set forth in 20-9-236(1)(a) through (1)(e). A voted levy for school and student safety and security may not be considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406. The election for a voted levy for school and student safety and security must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a building reserve proposition must be substantially in compliance with 15-10-425."

Section 6. Section 20-9-516, MCA, is amended to read:

"**20-9-516. School facility and technology account -- *statutory appropriation for school technology purposes.*** (1) There is a school facility and technology account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide~~, contingent on appropriation from the legislature~~, funding for the following in priority order:

(a) school technology purposes as provided in ~~20-9-534~~ *subsection (3)*;

(b) contingent on appropriation from the legislature, school major maintenance aid as provided in 20-9-525; and

~~(b)~~*(c) contingent on appropriation from the legislature,* state debt service assistance as provided in 20-9-371.

(2) There must be deposited in the account:

(a) an amount of money equal to the income attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year; ~~and~~

(b) the income received from certain lands and riverbeds as provided in 17-3-1003(5)*;*

(c) earnings from the school facilities fund within the coal severance tax trust fund as provided in 17-5-703; and

(d) if applicable, excess interest and income revenue as provided in 20-9-622.

(3) (a) The amount of $1 million a year is statutorily appropriated, as provided in 17-7-502, from the school facility and technology account established in this section for grants for school technology purposes.

(b) By the last working day in August, the superintendent of public instruction shall allocate a portion of the $1 million for school technology purposes to each district based on the ratio that each district's BASE budget bears to the statewide BASE budget amount for all school districts for the purposes of 20-9-533.

~~(3) If in any fiscal year the amount of revenue in the school facility and technology account is sufficient to fund debt service assistance without a proration reduction pursuant to 20-9-346(2)(b) and if in that same fiscal year the amount of revenue available in the school major maintenance aid account established in 20-9-525 will result in a proration reduction in school major maintenance aid pursuant to 20-9-525(5) for that fiscal year, the state treasurer shall transfer any excess funds in the school facility and technology account to the school major maintenance aid account not to exceed the amount required to avoid a proration reduction.~~"

Section 7. Section 20-9-525, MCA, is amended to read:

"**20-9-525. School major maintenance aid ~~account~~ -- formula -- *filing*.** ~~(1) There is a school major maintenance aid account in the state special revenue fund provided for in 17-2-102.~~

~~(2)~~*(1)* The purpose of ~~the account is to provide, contingent on appropriation from the legislature, funding for~~ school major maintenance aid as provided in ~~subsection (3) for~~ *this section is to support* school facility projects, including the payment of principal and interest on obligations issued pursuant to 20-9-471 for school facility projects, that support a basic system of free quality public elementary and secondary schools under 20-9-309, including but not limited to:

(a) improvements to school and student safety and security as described in 20-9-236(1); and

(b) projects designed to produce operational efficiencies such as utility savings, reduced future maintenance costs, improved utilization of staff, and enhanced learning environments for students, including but not limited to projects addressing:

(i) roofing systems;

(ii) heating, air-conditioning, and ventilation systems;

(iii) energy-efficient window and door systems and insulation;

(iv) plumbing systems;

(v) electrical systems and lighting systems;

(vi) information technology infrastructure, including internet connectivity both within and to the school facility; and

(vii) other critical repairs to an existing school facility or facilities.

~~(3)~~*(2)* (a) In any year in which the legislature has appropriated funds for ~~distribution from the~~ school major maintenance aid ~~account~~, the superintendent of public instruction shall administer the distribution of school major maintenance aid ~~from the school major maintenance aid account~~ for deposit in the subfund of the building reserve fund provided for in 20-9-502(3)(e). Subject to proration under subsection ~~(5)~~ *(4)* of this section, aid must be annually distributed no later than the last working day of May to a school district imposing a levy pursuant to 20-9-502(3) in the current school fiscal year, with the amount of state support per dollar of local effort of the applicable elementary and high school program of each district determined as follows:

(i) using the taxable valuation most recently determined by the department of revenue under 20-9-369:

(A) divide the total statewide taxable valuation by the statewide total of school major maintenance amounts and, subject to adjustment under 20-9-336, multiply the result by ~~187%~~ *355%*;

(B) multiply the result determined under subsection ~~(3)(a)(i)(A)~~ *(2)(a)(i)(A)* by the district's school major maintenance amount;

(C) subtract the district's taxable valuation from the amount determined under subsection ~~(3)(a)(i)(B)~~ *(2)(a)(i)(B)*; and

(D) divide the amount determined under subsection ~~(3)(a)(i)(C)~~ *(2)(a)(i)(C)* by 1,000;

(ii) determine the greater of the amount determined in subsection ~~(3)(a)(i)~~ *(2)(a)(i)* or 18% of the district's mill value;

(iii) multiply the result determined under subsection ~~(3)(a)(ii)~~ *(2)(a)(ii)* by the district's school major maintenance amount, then divide the product by the sum of the result determined under subsection ~~(3)(a)(ii)~~ *(2)(a)(ii)* and the district's mill value; and

(iv) divide the result determined under subsection ~~(3)(a)(iii)~~ *(2)(a)(iii)* by the difference resulting from subtracting the result determined under subsection ~~(3) (a)(iii)~~ *(2)(a)(iii)* from the district's school major maintenance amount.

(b) For a district with an adopted general fund budget in the prior year greater than or equal to 97% of the district's general fund maximum budget in the prior year, the amount determined in subsection ~~(3)(a)(iv)~~ *(2)(a)(iv)* rounded to the nearest cent is the amount of school major maintenance aid per dollar of local effort, not to exceed an amount that would result in the state aid composing more than 80% of the district's school major maintenance amount.

(c) For a district with an adopted general fund budget in the prior year less than 97% of the district's maximum budget in the prior year, multiply the amount determined in subsection ~~(3)(a)(iv)~~ *(2)(a)(iv)* by the ratio of the district's adopted general fund budget in the prior year to the district's maximum general fund budget in the prior year. The result, rounded to the nearest cent, is the amount of state school major maintenance aid per dollar of local effort, not to exceed an amount that would result in the state aid composing more than 80% of the district's school major maintenance amount.

~~(4)~~*(3)* Using the taxable valuation most recently determined by the department of revenue under 20-9-369, the superintendent shall provide school districts with a preliminary estimated amount of state school major maintenance aid per dollar of local effort for the ensuing school year no later than March 1 and a final amount for the current school year no later than July 31.

~~(5)~~*(4)* If the appropriation ~~from~~ *for school major maintenance aid* or the available funds ~~in the school major maintenance aid account~~ in any school fiscal year are less than the amount *of school major maintenance aid* for

which school districts would otherwise qualify, the superintendent of public instruction shall proportionally prorate the aid distributed to ensure that the distributions do not exceed the appropriated or available funds.

~~(6) If in any fiscal year the amount of revenue in the school major maintenance aid account is sufficient to fund school major maintenance aid without a proration reduction pursuant to subsection (5) and if in that same fiscal year the amount of revenue available in the school facility and technology account established in 20-9-516 will result in a proration reduction in debt service assistance pursuant to 20-9-346(2)(b) for that fiscal year, the state treasurer shall transfer any excess funds in the school major maintenance aid account to the school facility and technology account, not to exceed the amount required to avoid a proration reduction.~~

(5) A school district that receives school major maintenance aid shall, within 30 days of receiving the funds, file with the office of the superintendent of public instruction a document acknowledging it has received funds from the coal severance tax trust fund.

~~(7)~~*(6)* For the purposes of this section, the following definitions apply:

(a) "Local effort" means an amount of money raised by levying no more than 10 mills pursuant to 20-9-502(3) and, provided that 10 mills have been levied, any additional amount of money deposited or transferred by trustees to the subfund pursuant to 20-9-502(3).

(b) "School major maintenance amount" means the sum of ~~$15,000~~ *$40,000* and the product of ~~$110~~ *$115* multiplied by the district's budgeted ANB for the prior fiscal year."

Section 8. Section 20-9-533, MCA, is amended to read:

"**20-9-533. Technology acquisition and depreciation fund -- limitations.** (1) The trustees of a district may establish a technology acquisition and depreciation fund for school district expenditures incurred for:

(a) the purchase, rental, repair, and maintenance of technological equipment, including computers and computer network access;

(b) cloud computing services for technology infrastructure, platform, software, network, storage, security, data, database, test environment, curriculum, or desktop virtualization purposes, including any subscription or any license-based or pay-per-use service that is accessed over the internet or other remote network to meet the district's information technology and other needs; and

(c) associated technical training for school district personnel.

(2) Any expenditures from the technology acquisition and depreciation fund must be made in accordance with the financial administration requirements for a budgeted fund pursuant to this title. The trustees of a district shall fund the technology acquisition and depreciation fund with:

(a) the state money received *for school technology purposes* under ~~20-9-534~~ *20-9-516*; and

(b) other local, state, private, and federal funds received for the purpose of funding technology or technology-associated training.

(3) In depreciating the technological equipment of a school district for levies approved prior to July 1, 2013, the trustees may include in the district's budget, contingent upon voter approval of a levy under subsection (6) and pursuant to the school budgeting requirements of this title, an amount each fiscal year that does not exceed 20% of the original cost of any technological equipment, including computers and computer network access, that is owned by the district. The amount budgeted pursuant to levies approved prior to July 1, 2013, may not, over time, exceed 150% of the original cost of the equipment.

(4) The annual revenue requirement for each district's technology acquisition and depreciation fund determined within the limitations of this section must be reported by the county superintendent of schools to the board of county commissioners on or before the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values as the technology acquisition and depreciation fund levy requirement for that district, and a levy must be made by the county commissioners in accordance with 20-9-142.

(5) Any expenditure of technology acquisition and depreciation fund money must be within the limitations of the district's final technology acquisition and depreciation fund budget and the school financial administration provisions of this title.

(6) In addition to the funds received pursuant to subsection (2), the trustees of a school district may submit a proposition to the qualified electors of the district to approve an additional levy to fund costs of providing the technologies included in subsection (1). The election must be called and conducted in the manner prescribed by this title for school elections and in the manner prescribed by 15-10-425. A technology levy authorization approved after July 1, 2013, may not exceed 10 years.

(7) The technology proposition is approved if a majority of those electors voting at the election approve the levy. Notwithstanding any other provision of law, the levy under subsection (6) is subject to 15-10-420.

(8) A district whose qualified electors have previously approved a technology levy of perpetual duration prior to July 1, 2013, may submit a proposition to the qualified electors on or after July 1, 2013, for an increase in the amount of the levy to cover the costs of providing technologies under subsections (1)(b) and (1)(c) or to seek relief from the obligation of tracking depreciation of equipment under a levy approved prior to July 1, 2013. In seeking approval of the proposition, the district shall specify a proposed revised duration of the underlying perpetual levy previously approved and a proposed duration for the proposed increase in the amount of the levy, neither of which may exceed 10 years. If the proposition is approved by the qualified electors, both the underlying levy previously approved for a perpetual duration and the increase in the amount of the levy are subject to the revised durational limit specified on the ballot.

(9) The trustees of a district may not use revenue in the technology acquisition and depreciation fund to finance contributions to the teachers' retirement system, the public employees' retirement system, or the federal social security system or for unemployment compensation insurance."

Section 9. Section 20-9-622, MCA, is amended to read:

"**20-9-622. Guarantee account.** (1) There is a guarantee account in the state special revenue fund. The guarantee account is intended to:

(a) stabilize the long-term growth of the permanent fund; and

(b) maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the guarantee account. The guarantee account is statutorily appropriated, as provided in 17-7-502, for distribution to school districts as the first source of funding for state equalization aid as provided in 20-9-343.

(2) Any excess interest and income revenue*, as defined in 20-9-342, that is* deposited in the guarantee account for distribution under this section must be transferred to the school ~~major maintenance aid~~ *facility and technology* account provided for in ~~20-9-525~~ *20-9-516*."

Section 10. Section 20-9-635, MCA, is amended to read:

"**20-9-635. Natural resource development K-12 school facilities payment.** (1) The natural resource development K-12 school facilities payment replaces the former natural resource development K-12 funding payment as a means to provide local property tax relief by supporting school district facility needs. ~~The legislature intends for the new payment to grow in a manner similar to the previous payment as described in subsection (2) through fiscal year 2022 until other revenue to support school facilities has increased.~~

(2) The legislature intends the natural resource development K-12 school facilities payment to be a general fund appropriation to support school major maintenance aid pursuant to 20-9-525 *and debt service assistance pursuant to 20-9-371* that is:

~~(a) for fiscal years 2020, 2021, 2022, and 2023, calculated as the greater of:~~

~~(i) $6.4 million in fiscal year 2020, $7.6 million in fiscal year 2021, $10 million in fiscal year 2022, and $10 million in fiscal year 2023, with each fiscal year's appropriation reduced by the amount of projected earnings from the school facilities fund pursuant to 17-5-703 for that fiscal year; or~~

~~(ii) 5% of the oil and natural gas production taxes deposited in the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the fiscal year of the payment; and~~

~~(b) for fiscal years 2024 and beyond,~~ calculated as the greater of:

~~(i)~~*(a)* $10 million increased by an inflationary adjustment calculated as provided in 20-9-326 applied in fiscal year 2024 and in each succeeding fiscal year; or

~~(ii)~~*(b)* 5% of the oil and natural gas production taxes deposited in the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the fiscal year of the payment.

~~(3) The present law base calculated under Title 17, chapter 7, part 1, for major maintenance aid must consist of:~~

~~(a) the natural resource development K-12 school facilities payment as calculated in subsection (2) as a general fund appropriation; and~~

~~(b) projected revenue available in the school major maintenance account, established in 20-9-525, as a state special revenue fund appropriation, including:~~

~~(i) projected earnings from the school facilities fund pursuant to 17-5-703; and~~

~~(ii) any anticipated transfers of excess interest and income revenue pursuant to 20-9-622.~~"

Section 11. Repealer. The following section of the Montana Code Annotated is repealed:

20-9-534. Statutory appropriation for school technology purposes.

Section 12. Transfer of funds. (1) No later than August 15, 2025, there is transferred from the general fund to the school facilities fund established in 20-9-380 the amount necessary to bring the fund balance in the school facilities fund to $275 million.

(2) Any unencumbered and unexpended fund balance in the school major maintenance aid account on June 30, 2025, must be transferred to the school facility and technology account provided for in 20-9-516.

Section 13. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 1 through 11] are effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 688

[HB 516]

AN ACT TRANSFERRING THE WORKERS' COMPENSATION JUDGE FROM THE DEPARTMENT OF LABOR AND INDUSTRY TO THE JUDICIAL BRANCH; PROVIDING FOR SUPERVISION AND ADMINISTRATION BY THE SUPREME COURT; CREATING A WORKERS' COMPENSATION COURT FUND AND PROVIDING FOR AN ANNUAL TRANSFER OF FUNDS TO THE FUND; PROVIDING FOR A TRANSITION; PROVIDING FOR A ONE-TIME ELECTION FOR THE CURRENT WORKERS' COMPENSATION JUDGE TO ELECT TO REMAIN IN THE JUDGE'S CURRENT RETIREMENT SYSTEM; AMENDING SECTIONS 2-15-1707, 19-5-301, AND 39-71-201, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 2-15-1707, MCA, is amended to read:

"**2-15-1707. ~~Office of workers'~~ *Workers'* compensation judge ~~-- allocation~~ -- appointment -- *term -- qualifications* -- salary.** (1) ~~There is the office of workers' compensation judge. The office is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121~~ *There is a workers' compensation court. The workers' compensation court is presided over by a workers' compensation judge.*

(2) The governor shall appoint the workers' compensation judge for a term of 6 years in the same manner provided by Title 3, chapter 1, part 9, for the appointment of supreme court justices or district court judges. A vacancy must be filled in the same manner as the original appointment.

(3) To be eligible for workers' compensation judge, a person must:

(a) have the qualifications necessary for district court judges found in Article VII, section 9, of the Montana constitution;

(b) devote full time to the duties of workers' compensation judge and not engage in the private practice of law.

(4) The workers' compensation judge is entitled to the same salary and ~~other emoluments as that of a district judge but must be accorded retirement benefits under the public employees' retirement system~~ *expense allowances as provided in 3-5-211*."

Section 2. Supervision and administration by supreme court. (1) The Montana supreme court shall supervise the activities of the workers' compensation court, the workers' compensation judge, and associated personnel in implementing [section 3] and this section.

(2) The supreme court shall pay the expenses of the workers' compensation judge and the salaries and expenses of the workers' compensation judge's staff from appropriations made for that purpose.

(3) Salaries and expenses must be paid out of the workers' compensation court fund provided in [section 3].

(4) As used in this section, "salaries and expenses" include but are not limited to the salaries and expenses of personnel, the cost of office equipment and office space, and other necessary expenses that may be incurred in the administration of [section 3] and this section.

Section 3. Workers' compensation court fund -- annual transfer of funds. (1) There is a workers' compensation court fund special revenue account within the state special revenue fund established in 17-2-102. The money in the account must be used solely for the purpose of administering the workers' compensation court as provided in [section 2].

(2) By July 15 of each fiscal year, the department of labor and industry shall transfer an amount equal to the amount appropriated for the workers' compensation court in the general appropriations act as approved by the legislature from the workers' compensation administration fund established in 39-71-201 to the workers' compensation court fund.

Section 4. Section 19-5-301, MCA, is amended to read:

"**19-5-301. Membership -- inactive vested members -- inactive nonvested members.** (1) Except for a judge or justice who elected in writing to remain under the public employees' retirement system on or before October 1, 1985*, or a workers' compensation judge who elected in writing to remain under the public employees' retirement system on or before October 1, 2025*, a judge of a district court, a justice of the supreme court, ~~and~~ the chief water judge or associate water judge provided for in 3-7-221*, and the workers' compensation judge provided for in 2-15-1707* must be members of the Montana judges' retirement system.

(2) A judge pro tempore is not eligible for active membership in the retirement system.

(3) A member with at least 5 years of membership service who terminates service and does not take a refund of the member's accumulated contributions is an inactive vested member and retains the right to purchase service credit and to receive a retirement benefit under the provisions of this chapter.

(4) A member with less than 5 years of membership service who terminates service and leaves the member's accumulated contributions in the pension trust fund is an inactive nonvested member and is not eligible for any benefits from the retirement system. An inactive nonvested member is eligible only for a refund of the member's accumulated contributions."

Section 5. Section 39-71-201, MCA, is amended to read:

"**39-71-201. Workers' compensation administration fund.** (1) A workers' compensation administration fund is established out of which are to be paid upon lawful appropriation all costs of administering the Workers' Compensation Act, with the exception of the certification of independent contractors provided for in Title 39, chapter 71, part 4, the subsequent injury fund provided for in 39-71-907, and the uninsured employers' fund provided for in 39-71-503. The department may use the workers' compensation administration fund to reimburse premiums for high-quality work-based learning programs, as provided in 39-71-319. The department shall collect and deposit in the state treasury to the credit of the workers' compensation administration fund:

(a) all fees and penalties provided in 39-71-107, 39-71-205, 39-71-223, 39-71-304, 39-71-307, 39-71-315, 39-71-316, 39-71-401(6), 39-71-2204, 39-71-2205, and 39-71-2337; and

(b) all fees paid by an assessment on paid losses, plus administrative fines and interest provided by this section.

(2) For the purposes of this section, paid losses include the following benefits paid during the preceding calendar year for injuries covered by the Workers' Compensation Act without regard to the application of any deductible whether the employer or the insurer pays the losses:

(a) total compensation benefits paid; and

(b) except for medical benefits in excess of $200,000 for each occurrence that are exempt from assessment, total medical benefits paid for medical treatment rendered to an injured worker, including hospital treatment and prescription drugs.

(3) Each plan No. 1 employer, plan No. 2 insurer subject to the provisions of this section, and plan No. 3, the state fund, shall file annually on March 1 in

the form and containing the information required by the department a report of paid losses pursuant to subsection (2).

(4) Each employer enrolled under compensation plan No. 1, compensation plan No. 2, or compensation plan No. 3, the state fund, shall pay its proportionate share determined by the paid losses in the preceding calendar year of all costs of administering and regulating the Workers' Compensation Act, with the exception of the certification of independent contractors provided for in Title 39, chapter 71, part 4, the subsequent injury fund provided for in 39-71-907, and the uninsured employers' fund provided for in 39-71-503. In addition, compensation plan No. 3, the state fund, shall pay a proportionate share of these costs based upon paid losses for claims arising before July 1, 1990.

(5) (a) Each employer enrolled under compensation plan No. 1 shall pay an assessment to fund administrative and regulatory costs. The assessment may be up to 4% of the paid losses paid in the preceding calendar year by or on behalf of the plan No. 1 employer. Any entity, other than the department, that assumes the obligations of an employer enrolled under compensation plan No. 1 is considered to be the employer for the purposes of this section.

(b) An employer formerly enrolled under compensation plan No. 1 shall pay an assessment to fund administrative and regulatory costs. The assessment may be up to 4% of the paid losses paid in the preceding calendar year by or on behalf of the employer for claims arising out of the time when the employer was enrolled under compensation plan No. 1.

(c) By April 30 of each year, the department shall notify employers described in subsections (5)(a) and (5)(b) of the percentage of the assessment that comprises the compensation plan No. 1 proportionate share of administrative and regulatory costs. The assessment provided for by this subsection (5) must be paid by the employer in:

(i) one installment due on July 1; or

(ii) two equal installments due on July 1 and December 31 of each year.

(d) If an employer fails to timely pay to the department the assessment under this section, the department may impose on the employer an administrative fine of $500 plus interest on the delinquent amount at the annual interest rate of 12%. Administrative fines and interest must be deposited in the workers' compensation administration fund and may be used to pay the reimbursement of premiums required under 39-71-319.

(6) (a) Compensation plan No. 3, the state fund, shall pay an assessment to fund administrative and regulatory costs attributable to claims arising before July 1, 1990. The assessment may be up to 4% of the paid losses paid in the preceding calendar year for claims arising before July 1, 1990. As required by 39-71-2352, the state fund may not pass along to insured employers the cost of the assessment for administrative and regulatory costs that is attributable to claims arising before July 1, 1990.

(b) The assessment must be paid in:

(i) one installment due on July 1; or

(ii) two equal installments due on July 1 and December 31 of each year.

(c) If the state fund fails to timely pay to the department the assessment under this section, the department may impose on the state fund an administrative fine of $500 plus interest on the delinquent amount at the annual interest rate of 12%. Administrative fines and interest must be deposited in the workers' compensation administration fund.

(7) (a) Each employer insured under compensation plan No. 2 or plan No. 3, the state fund, shall pay a premium surcharge to fund administrative and regulatory costs. The premium surcharge must be collected by each plan No. 2

insurer and by plan No. 3, the state fund, from each employer that it insures. The premium surcharge must be stated as a separate cost on an insured employer's policy or on a separate document submitted to the insured employer and must be identified as "workers' compensation regulatory assessment surcharge". The premium surcharge must be excluded from the definition of premiums for all purposes, including computation of insurance producers' commissions or premium taxes. However, an insurer may cancel a workers' compensation policy for nonpayment of the premium surcharge. When collected, assessments may not constitute an element of loss for the purpose of establishing rates for workers' compensation insurance but, for the purpose of collection, must be treated as a separate cost imposed upon insured employers.

(b) The amount to be funded by the premium surcharge may be up to 4% of the paid losses paid in the preceding calendar year by or on behalf of all plan No. 2 insurers and may be up to 4% of paid losses for claims arising on or after July 1, 1990, for plan No. 3, the state fund, plus or minus any adjustments as provided by subsection (7)(f). The amount to be funded must be divided by the total premium paid by all employers enrolled under compensation plan No. 2 or plan No. 3 during the preceding calendar year. A single premium surcharge rate, applicable to all employers enrolled in compensation plan No. 2 or plan No. 3, must be calculated annually by the department by not later than April 30. The resulting rate, expressed as a percentage, is levied against the premium paid by each employer enrolled under compensation plan No. 2 or plan No. 3 in the next fiscal year.

(c) On or before April 30 of each year, the department, in consultation with the advisory organization designated pursuant to 33-16-1023, shall notify plan No. 2 insurers and plan No. 3, the state fund, of the premium surcharge percentage to be effective for policies written or renewed annually on and after July 1 of that year.

(d) The premium surcharge must be paid whenever the employer pays a premium to the insurer. Each insurer shall collect the premium surcharge levied against every employer that it insures. Each insurer shall pay to the department all money collected as a premium surcharge within 20 days of the end of the calendar quarter in which the money was collected. If an insurer fails to timely pay to the department the premium surcharge collected under this section, the department may impose on the insurer an administrative fine of $500 plus interest on the delinquent amount at the annual interest rate of 12%. Administrative fines and interest must be deposited in the workers' compensation administration fund and may be used to pay the reimbursement of premiums required under 39-71-319.

(e) If an employer fails to remit to an insurer the total amount due for the premium and premium surcharge, the amount received by the insurer must be applied to the premium surcharge first and the remaining amount applied to the premium due.

(f) The amount actually collected as a premium surcharge in a given year must be compared to the assessment on the paid losses paid in the preceding year. Any excess amount collected must be deducted from the amount to be collected as a premium surcharge in the following year. The amount collected that is less than the assessed amount must be added to the amount to be collected as a premium surcharge in the following year.

(8) By July 1, an insurer under compensation plan No. 2 that paid benefits in the preceding calendar year but that will not collect any premium for coverage in the following fiscal year shall pay an assessment of up to 4% of paid losses paid in the preceding calendar year. The department shall determine and notify the insurer by April 30 of each year of the amount that is due by July 1.

(9) An employer that makes a first-time application for permission to enroll under compensation plan No. 1 shall pay an assessment of $500 within 15 days of being granted permission by the department to enroll under compensation plan No. 1.

(10) The department shall deposit all funds received pursuant to this section in the state treasury, as provided in this section.

(11) The administration fund must be debited with expenses incurred by the department in the general administration of the provisions of this chapter, including the salaries of its members, officers, and employees and the travel expenses of the members, officers, and employees, as provided for in 2-18-501 through 2-18-503, incurred while on the business of the department either within or without the state. Reimbursement of premiums required under 39-71-319 by the workers' compensation administration fund also is a debit on the fund.

(12) Disbursements from the administration fund must be made after being approved by the department upon claim for disbursement.

(13) The department shall transfer funds to the workers' compensation court fund as provided by [section 3].

~~(13)~~*(14)* The department may assess and collect the workers' compensation regulatory assessment surcharge from uninsured employers, as defined in 39-71-501, that fail to properly comply with the coverage requirements of the Workers' Compensation Act. Any amounts collected by the department pursuant to this subsection must be deposited in the workers' compensation administration fund."

Section 6. Transition -- rights of personnel -- rights to property -- rules and orders -- legal proceedings -- rights of duties under existing transactions -- references. (1) (a) The workers' compensation judge and each employee of the office of workers' compensation judge affected by the transfer of the office from the executive branch to the judicial branch are entitled to all rights that the judge or employee possessed as a judge or employee before [the effective date of this act], including:

(i) rights to tenure in office and of pay;

(ii) rights to vacation pay, sick pay, and leave;

(iii) rights under any retirement or personnel plan or labor union contract;

(iv) rights to compensatory time earned; and

(v) any other rights under any law or administrative policy.

(b) This section is not intended to create any new rights for the workers' compensation judge or any employee but to continue only those rights in effect before [the effective date of this act].

(2) The supreme court succeeds to the rights to all real and personal property of that agency relating to the functions or parts of the office of workers' compensation judge. The property includes real property, records, office equipment, supplies, contracts, books, papers, documents, maps, appropriations, accounts within and outside of the state treasury, funds, vehicles, and all other similar property. However, the supreme court may not use or divert money in a fund or account for a purpose other than provided by law. The governor shall resolve any conflict as to the proper disposition of the property, and the governor's decision is final.

(3) The supreme court succeeds to the rules and orders of the office of workers' compensation judge relating to the functions or parts of functions transferred in [this act]. The rules and orders of the office of workers' compensation judge in effect before [the effective date of this act] remain in effect until amended, repealed, superseded, or nullified by proper authority or by law.

(4) The transfer of the office of workers' compensation judge to the judicial branch does not affect the validity of any judicial or administrative proceeding pending or that may have been commenced before [the effective date of this act].

(5) The rights, privileges, and duties of the holders of bonds and other obligations issued and of the parties to contracts, leases, indentures, and other transactions entered into by the office of workers' compensation judge before [the effective date of this act], by the state or by any agency, officer, or employee of the state or any agency, and covenants and agreements remain in effect, and none of those rights, privileges, duties, covenants, or agreements are impaired or diminished by reason of the transfer of the functions of the office of workers' compensation judge. The supreme court is substituted for the department of labor and industry and succeeds to its rights and duties under the provisions of those bonds, contracts, leases, indentures, and other transactions related to the office of workers' compensation judge.

(6) Unless inconsistent with the provisions of [this act], references to the office of workers' compensation judge in any contract or other document must apply to the supreme court.

Section 7. Retirement plan election for workers' compensation judge. A workers' compensation judge who is an active member of the public employees' retirement system on [the effective date of this act] may elect to remain under that system by notifying the public employees' retirement board in writing of the election on or before October 1, 2025.

Section 8. Directions to code commissioner. (1) Section 2-15-1707 is intended to be renumbered and codified as a new chapter in Title 3.

(2) The code commissioner is instructed to renumber sections currently in Title 39, chapter 71, part 29, into the same new chapter in Title 3 as [sections 2 and 3] and 2-15-1707.

(3) The code commissioner is instructed to change all internal references within and to the renumbered subsections in the Montana Code Annotated, including within sections enacted or amended by the 2025 legislature, to reflect the new section numbers assigned pursuant to this section.

(4) Any section enacted by the 2025 legislature that is to be codified in Title 39, chapter 71, part 29, must be codified as an integral part of the new chapter, and the provisions of the new chapter apply to the enacted sections.

Section 9. Codification instruction. [Sections 2 and 3] are intended to be codified as a new chapter in Title 3, and the provisions of Title 3 apply to [sections 2 and 3].

Section 10. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 11. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 689

[HB 527]

AN ACT REVISING THE PROCESS FOR WRITTEN PLANS OF CONDUCT FOR ELECTIONS CONDUCTED BY MAIL; REQUIRING THE PLAN TO BE POSTED TO THE COUNTY ELECTION OFFICE WEBSITE; AND AMENDING SECTIONS 13-19-105, 13-19-205, 13-19-206, AND 20-20-201, MCA.

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

Section 1. Section 13-19-105, MCA, is amended to read:

"**13-19-105. Role of secretary of state.** In addition to other powers and duties conveyed by law, the secretary of state, with advice from election administrators, shall:

(1) prescribe the form of materials to be used in the conduct of mail ballot elections; *and*

~~(2) review written plans for the conduct of mail ballot elections as provided in 13-19-205; and~~

~~(3)~~*(2)* adopt rules consistent with this chapter to:

(a) establish and maintain uniformity in the conduct of mail ballot elections; and

(b) establish procedures for the conduct of mail ballot elections that, when implemented by the election administrator:

(i) prevent fraud;

(ii) ensure the accurate handling and canvassing of mail ballots; and

(iii) ensure that the secrecy of voted ballots is maintained."

Section 2. Section 13-19-205, MCA, is amended to read:

"**13-19-205. Written plan for conduct of election -- amendments -- approval procedures *public posting requirements.*** (1) The election administrator shall prepare a written plan for the conduct of each election to be conducted by mail. ~~and shall submit the plan to the secretary of state in a manner that ensures that it is received at least 60 days prior to the date set for the election.~~ There must be a separate plan for each type of election held even if held on the same day.

(2) The written plan must include:

(a) a timetable for the election;

(b) a plan for providing voter interface devices as required in 13-3-208; and

(c) sample written instructions that will be sent to the electors. The instructions must include but are not limited to:

(i) information on the estimated amount of postage required to return the ballot;

(ii) ~~(A)~~ the location of the places of deposit and the days and times when ballots may be returned to the places of deposit, if the information is available; ~~or~~ *and*

~~(B) if the information on location and hours of places of deposit is not available, a section that will allow the information to be added before the instructions are mailed to electors; and~~

(iii) any applicable instructions specified under 13-13-214(4).

(3) The plan may be amended by the election administrator at any time prior to the 35th day before election day. ~~by notifying the secretary of state in writing of any changes.~~

~~(4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.~~

~~(5)~~*(4)* ~~When the written plan and any amendments have been approved, the~~ *The* election administrator shall proceed to conduct the election according to the approved plan unless the election is cancelled for any reason provided by law.

(5) (a) At least 60 days prior to the election, the plan must:

(i) for elections conducted by the county election office, be posted to the county election website, if active, or publicly noticed in another way;

(ii) for a school election conducted by the school district, be noticed in at least one of the methods provided in 20-20-204(1)(a)(i) or (1)(a)(ii), posted to

the district website, if active, and sent to the county election office in accordance with 20-20-201(2)(b); or

(iii) for a school election conducted by the county election office, be noticed in accordance with subsection (5)(a)(i) or (5)(a)(ii).

(b) Any amendments to the mail ballot plan must be noticed in accordance with subsection (5)(a)(i) or (5)(a)(ii) not less than 35 days before the election.

(6) If the plan is not posted at least 60 days prior to the election by at least one of the methods provided in subsection (5), then the election defaults to a polling place election."

Section 3. Section 13-19-206, MCA, is amended to read:

"**13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this chapter, the election administrator shall:

(1) mail a single packet to every qualified elector of the political subdivision conducting the election;

(2) ensure that each packet contains only one each of the following:

(a) an official ballot for each type of election being held on the specified election day;

(b) a secrecy envelope;

(c) a signature envelope; and

(d) complete written instructions~~, as approved by the secretary of state pursuant to 13-19-205~~, for mail ballot voting procedures;

(3) ensure that each packet is:

(a) addressed to a single individual elector at the most current address available from the official registration records; and

(b) deposited in the United States mail with sufficient postage for it to be delivered to the elector's address; and

(4) mail the packet in a manner that conforms to postal regulations to require the return, not forwarding, of undelivered packets."

Section 4. Section 20-20-201, MCA, is amended to read:

"**20-20-201. Calling of school election.** (1) At least 70 days before any school election, the trustees of a district or other entity or official authorized by law to call a school election shall call the school election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any election is requested to be by mail.

(2) To enable the county election administrator to manage voter registration and prepare the lists of registered electors:

(a) the resolution calling for a school election must be transmitted to the county election administrator no later than 3 days after the resolution is passed; and

(b) if the election is to be conducted by mail, the school clerk must also transmit to the county election administrator a copy of the written plan required under 13-19-205 ~~as soon as the plan has been approved by the secretary of state~~."

Approved May 13, 2025

CHAPTER NO. 690

[HB 575]

AN ACT GENERALLY REVISING THE PROCEEDINGS IN WHICH A PUBLIC DEFENDER MAY BE ASSIGNED; AUTHORIZING THAT A COURT MAY ASSIGN A PUBLIC DEFENDER FOR A PARENT IN A PROCEEDING TO INVOLUNTARILY TERMINATE THE PARENT'S PARENTAL RIGHTS;

PROVIDING THAT A COURT MAY ORDER ASSIGNMENT OF A PUBLIC DEFENDER TO SERVE AS A MEMBER OF A TREATMENT COURT TEAM; AMENDING SECTION 47-1-104, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 47-1-104, MCA, is amended to read:

"**47-1-104. (Temporary) Statewide system -- structure and scope of services -- assignment of counsel at public expense.** (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the director.

(2) The director shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The director may establish a regional office to provide public defender services in each region, as provided in 47-1-215, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described in 47-1-102.

(3) When a court orders the assignment of a public defender, the appropriate office shall immediately assign a public defender qualified to provide the required services. The director shall establish protocols to ensure that the offices make appropriate assignments in a timely manner.

(4) A court may order assignment of a public defender under this chapter in the following cases:

(a) in cases in which a person is entitled to assistance of counsel at public expense because of financial inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:

(i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of incarceration, as provided in 46-8-101;

(ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in 40-6-119;

(iii) for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;

(iv) for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;

(v) for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;

(vi) for a parent or guardian in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112; and

(vii) for a witness in a criminal grand jury proceeding, as provided in 46-4-304;

(b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless of the person's financial ability to retain private counsel, as follows:

(i) as provided for in 41-3-425;

(ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution Act, as provided in 41-5-1607;

(iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles, as provided in 41-6-101;

(iv) for a minor who petitions for a waiver of parental consent requirements under the Parental Consent for Abortion Act of 2013, as provided in 50-20-509;

(v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;

(vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;

(viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental disorder of the ward, as provided in 72-5-322;

(ix) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding pursuant to 41-3-422 and as required under the federal Indian Child Welfare Act and 41-3-1316, as provided in 41-3-425;

(x) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116; and

(xi) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; and

(c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).

(5) (a) Except as provided in subsection (5)(b), a public defender may not be assigned to act as a court-appointed special advocate or guardian ad litem in a proceeding under the Montana Youth Court Act, Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.

(b) A private attorney who is contracted with under the provisions of 47-1-121 to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection (5)(a) if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)

47-1-104. (Effective July 1, 2025) Statewide system -- structure and scope of services -- assignment of counsel at public expense. (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the director.

(2) The director shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The director may establish a regional office to provide public defender services in each region, as provided in 47-1-215, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described in 47-1-102.

(3) When a court orders the assignment of a public defender, the appropriate office shall immediately assign a public defender qualified to provide the required services. The director shall establish protocols to ensure that the offices make appropriate assignments in a timely manner.

(4) A court may order assignment of a public defender under this chapter in the following cases:

(a) in cases in which a person is entitled to assistance of counsel at public expense because of financial inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:

(i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of incarceration, as provided in 46-8-101;

(ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in 40-6-119;

(iii) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding pursuant 41-3-422 and as required under the federal Indian Child Welfare Act, as provided in 41-3-425;

(iv) for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;

(v) for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;

(vi) for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;

(vii) for a parent or guardian in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(viii) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116;

(ix) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; ~~and~~

(x) for a witness in a criminal grand jury proceeding, as provided in 46-4-304~~.~~*; and*

(xi) for a parent in a proceeding to involuntarily terminate the parent's parental rights pursuant to 42-2-607;

(b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless of the person's financial ability to retain private counsel, as follows:

(i) as provided for in 41-3-425;

(ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution Act, as provided in 41-5-1607;

(iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles, as provided in 41-6-101;

(iv) for a minor who petitions for a waiver of parental consent requirements under the Parental Consent for Abortion Act of 2013, as provided in 50-20-509;

(v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;

(vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;

(viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental disorder of the ward, as provided in 72-5-322; and

(c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).

(5) A court may also order assignment of a public defender to serve as a member of a treatment court team established pursuant to 46-1-1104 or 46-1-1204.

~~(5)~~*(6)* (a) Except as provided in subsection ~~(5)(b)~~ *(6)(b)*, a public defender may not be assigned to act as a court-appointed special advocate or guardian

ad litem in a proceeding under the Montana Youth Court Act, Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.

(b) A private attorney who is contracted with under the provisions of 47-1-121 to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection ~~(5)(a)~~ *(6)(a)* if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest."

Section 2. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 691

[HB 584]

AN ACT GENERALLY REVISING LAWS RELATED TO DENTAL ANESTHESIA INSPECTIONS; AUTHORIZING THE BOARD OF DENTISTRY TO ESTABLISH STANDARDS FOR PERMITS AND INSPECTIONS RELATED TO THE ADMINISTRATION OF ANESTHESIA BY A DENTIST; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; ALLOWING FOR THE ESTABLISHMENT OF FEES; ALLOWING A TEMPORARY PERMIT; AND AMENDING SECTION 37-4-101, MCA.

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

Section 1. Permit required to administer anesthesia -- board to set minimum qualifications -- inspection -- fees -- temporary permit. (1) A dentist may administer deep sedation, general anesthesia, or moderate sedation on application of a permit and inspection by the board.

(2) (a) The board may adopt rules prescribing reasonable standards for the administration and monitoring of anesthesia and sedation, including minimum education, continuing education, and experience qualifications for deep sedation, general anesthesia, moderate sedation, and minimal sedation.

(b) The board may adopt rules prescribing standards for a licensee holding an anesthesia permit. The rules must include a minimum of equipment, supplies, and drugs necessary for administering deep sedation, general anesthesia, or moderate sedation and may include a minimum of equipment and supplies when nitrous oxide or oxygen is administered alone or in conjunction with a single oral sedative agent.

(3) (a) An initial inspection must be performed for each deep sedation, general anesthesia, or moderate sedation permit, with a reinspection at intervals not to exceed 5 years.

(b) The initial inspection must be performed by an inspector appointed by the board. The applicant must be notified at least 30 days prior to the inspection, and the name of the inspector must be provided.

(4) The board may charge fees, including an application fee, permit renewal fee, initial inspection fee, and reinspection fee, to be set at the discretion of the board. Fees must be commensurate with costs.

(5) The board may grant a temporary permit, on receipt of application and payment of the initial inspection fee, authorizing a licensed dentist to administer deep sedation, general anesthesia, or moderate sedation for a period not to exceed 120 days or until an inspection is complete. The temporary permit may be extended on approval by the board.

Section 2. Section 37-4-101, MCA, is amended to read:

"**37-4-101. Definitions -- practice of dentistry.** (1) Unless the context requires otherwise, in this chapter, the following definitions apply:

(a) "Board" means the board of dentistry provided for in 2-15-1732.

(b) "Deep sedation" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

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

(d) "General anesthesia" means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

(e) "Minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected.

(f) "Moderate sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. The drugs and techniques used for moderate sedation should render the unintended loss of consciousness unlikely. Repeated dosing of an agent before the effects of previous dosing is obtained may result in a greater alteration of the state of consciousness than intended. A patient whose only response is reflex withdrawal from a painful stimulus is not in a state of moderate sedation.

(2) Except for the provisions of 37-4-104, a person is practicing dentistry under this chapter if the person:

(a) performs, attempts, advertises to perform, causes to be performed by the patient or any other person, or instructs in the performance of dental operations, oral surgery, or dental service of any kind gratuitously or for a salary, fee, money, or other remuneration paid or to be paid, directly or indirectly, to the person, any other person, or any agency;

(b) is a manager, proprietor, operator, or conductor of a place where dental operations, oral surgery, or dental services are performed, unless the person is the personal representative of the estate of a deceased dentist or the personal representative of a disabled dentist, as provided in 37-4-104;

(c) directly or indirectly, by any means or method, furnishes, supplies, constructs, reproduces, or repairs a prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth;

(d) places the appliance or structure in the human mouth or attempts to adjust it;

(e) advertises to the public, by any method, to furnish, supply, construct, reproduce, or repair a prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth;

(f) diagnoses, professes to diagnose, prescribes for, professes to prescribe for, treats, or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of human teeth, jaws, or adjacent structures;

(g) extracts or attempts to extract human teeth or corrects, attempts, or professes to correct malpositions of teeth or of the jaw;

(h) gives or professes to give interpretations or readings of dental roentgenograms;

(i) administers an anesthetic of any nature, subject to the limitations provided in 37-4-511, in connection with a dental operation;

(j) uses the words "dentist", "dental surgeon", or "oral surgeon", the letters "D.D.S." or "D.M.D.", or any other words, letters, title, or descriptive matter that in any way represents the person as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of human teeth, jaws, or adjacent structures;

(k) states, advertises, or permits to be stated or advertised, by sign, card, circular, handbill, newspaper, radio, or otherwise, that the person can perform or will attempt to perform dental operations or render a diagnosis in connection with dental operations; or

(l) engages in any of the practices included in the curricula of recognized dental colleges."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 4, part 3, and the provisions of Title 37, chapter 4, part 3, apply to [section 1].

Approved May 13, 2025

CHAPTER NO. 692

[HB 586]

AN ACT REVISING CHILD SAFETY RESTRAINT SYSTEM LAWS; REQUIRING THE USE OF A CHILD SAFETY RESTRAINT SYSTEM FOR CHILDREN UNDER CERTAIN AGE THRESHOLDS; PROVIDING EXEMPTIONS FOR CERTAIN VEHICLES AND CIRCUMSTANCES FROM CHILD SAFETY RESTRAINT SYSTEM LAWS; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 61-9-419, 61-9-420, AND 61-9-421, MCA.

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

Section 1. Section 61-9-419, MCA, is amended to read:

"**61-9-419. ~~"Properly restrained" defined~~ *Definitions.*** *(1)* As used in 61-9-420 through 61-9-423 *and this section, unless the context requires otherwise, the following definitions apply:*

(a) "Booster seat" means a child safety restraint system that meets applicable federal motor vehicle safety standards and is designed to provide belt-positioning that elevates a child to be properly seated with a safety belt.

(b) "Child safety restraint system" means a device that:

(i) meets applicable federal motor vehicle safety standards; and

(ii) is appropriate to the age of the child being restrained, as provided in 61-9-420.

(c) (i) ~~"properly restrained"~~ *"Properly restrained"* means fastened in a manner prescribed by the manufacturer of the *child safety restraint* system that permits the *child safety restraint* system to act as a body restraint~~, but~~.

(ii) The term does not mean a system in which the only body restraint is a safety belt of the type required by 61-9-409.

(d) "Secured with a safety belt" means restrained or secured by a seat belt that:

(i) meets applicable federal motor vehicle safety standards; and

(ii) is properly adjusted and fastened, including both the shoulder and lap straps, when equipped in the vehicle."

Section 2. Section 61-9-420, MCA, is amended to read:

"**61-9-420. Child safety restraint systems -- standards -- exemptions.** (1) ~~Each motor vehicle passenger who is under 6 years of age and weighs less than 60 pounds must be transported and properly restrained in a child safety restraint. The child safety restraint must be appropriate for the height and weight of the child as indicated by manufacturer standards.~~ *A motor vehicle passenger who is under 2 years of age must be properly restrained in a rear-facing child safety restraint system that complies with federal motor vehicle safety standards.*

(2) A motor vehicle passenger who is between 2 years of age and up to 4 years of age must be properly restrained in a rear-facing or forward-facing child safety restraint system with an internal harness that complies with federal motor vehicle safety standards.

(3) A motor vehicle passenger who is between 4 years of age and up to 8 years of age must be properly restrained in a forward-facing child safety restraint system with an internal harness or a child booster seat that is secured with a vehicle lap-shoulder seat belt, whichever is applicable, that complies with federal motor vehicle safety standards.

(4) A motor vehicle passenger who is at least 9 years of age or has outgrown the height or weight limits of a child booster seat as set by the manufacturer, whichever comes first, must be secured with a motor vehicle adult safety belt.

(5) A child safety restraint system pursuant to 61-9-419 through 61-9-423 must be installed, adjusted, and used according to the manufacturer instructions.

~~(2) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems.~~

~~(3)~~*(6)* The department may by rule exempt from the requirements of ~~subsection (1)~~ *this section* a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint *system*."

Section 3. Section 61-9-421, MCA, is amended to read:

"**61-9-421. Certain vehicles exempt.** Section 61-9-420 is not applicable ~~to a vehicle that~~ *as follows*:

(1) *if a vehicle* is a ~~motorbus~~ *motor home*, ~~schoolbus~~ *school bus*, taxicab, *farm tractor, bicycle,* moped, quadricycle, ~~or~~ motorcycle*, or motor-driven cycle* or is not required to be equipped with safety belts under 49 CFR 571 as it reads on ~~January 1, 1984~~ *January 3, 2025*;

(2) if a vehicle is an ambulance or other emergency vehicle designated or authorized by the department; or

~~(2) has a seating capacity as designated by the manufacturer of two persons and there are two persons 4 years of age or older in the vehicle.~~

(3) if an emergency exists that threatens the life of a person operating a motor vehicle to whom this section would otherwise apply or the life of a child who would otherwise be required to be properly restrained as provided in 61-9-420."

Approved May 13, 2025

CHAPTER NO. 693

[HB 588]

AN ACT REVISING TRANSPORTATION LAWS; DEFINING MOTORIZED SCOOTER; PROVIDING REGULATIONS FOR MOTORIZED SCOOTERS; AND AMENDING SECTIONS 61-1-101, 61-3-317, 61-8-102, 61-8-601, 61-8-602, 61-8-603, 61-8-604, 61-8-606, 61-8-607, 61-8-608, 61-8-609, AND 61-9-417, MCA.

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

Section 1. Section 61-1-101, MCA, is amended to read:

"**61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following definitions apply:

(1) (a) "Authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the department's motor vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or purposes on behalf of a third party.

(b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, another state government, the United States, a political subdivision of this or another state, or any other legal or commercial entity.

(2) "Authorized agent agreement" means the written agreement executed between an authorized agent and the department that sets the technical and operational program standards, compliance criteria, payment options, and service expectations by which the authorized agent is required to operate in performing specific motor vehicle or driver-related record functions.

(3) "Autocycle" means a three-wheeled motorcycle that is equipped with safety belts, roll bars or roll hoops, a steering wheel, and seating that does not require the operator to straddle or sit astride it.

(4) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(5) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, or other legal entity recognized under state law.

(b) The term does not include an individual.

(6) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

(b) The term does not include a truck canopy cover or topper.

(7) "CDLIS driver record" means the electronic record of a person's commercial driver's license status and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

(8) "Certificate of title" means the paper record issued by the department or by the appropriate agency of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons and the motor vehicle specifically described in the record and that provides notice of a perfected security interest in the motor vehicle.

(9) "Commercial driver's license" means:

(a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate a class of commercial motor vehicle; or

(b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid commercial driver's license.

(10) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;

(iii) is designed to transport at least 16 passengers, including the driver;

(iv) is a school bus; or

(v) is of any size and is used in the transportation of hazardous materials.

(b) The following vehicles are not commercial motor vehicles:

(i) an authorized emergency vehicle:

(A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

(B) operated when responding to or returning from an emergency call or operated in another official capacity;

(ii) a vehicle:

(A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

(B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

(C) not used to transport goods for compensation or for hire; or

(iii) a vehicle operated for military purposes by active duty military personnel, a member of the military reserves, a member of the national guard on active duty, including personnel on full-time national guard duty, personnel in part-time national guard training, and national guard military technicians, or active duty United States coast guard personnel.

(c) For purposes of this subsection (10):

(i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;

(ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle;

(iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle; and

(iv) "school bus" has the meaning provided in 49 CFR 383.5.

(11) "Commission" means the state transportation commission.

(12) "Custom-built motorcycle" means a motorcycle that is equipped with:

(a) an engine that was manufactured 20 years prior to the current calendar year and that has been altered from the manufacturer's original design; or

(b) an engine that was manufactured to resemble an engine 20 or more years old and that has been constructed in whole or in part from nonoriginal materials.

(13) "Custom vehicle" means a motor vehicle other than a motorcycle that:

(a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

(ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current calendar year, including a kit vehicle intended to

resemble a vehicle manufactured after 1948 and that is at least 25 years old; and

(b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

(14) "Customer identification number" means:

(a) a driver's license or identification card number when the customer is an individual who has been issued a driver's license or identification card by a state driver licensing authority;

(b) a federal employer or tax identification number when the customer is a business entity that has been issued a federal employer or tax identification number;

(c) the identification number assigned by the secretary of state to a business entity authorized to do business in this state under Title 35 if the customer is a business entity that does not have a federal employer or tax identification number other than a social security number; or

(d) if the customer has not been issued one of the numbers described in subsections (14)(a) through (14)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

(15) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special mobile equipment that is not registered in the name of the person.

(b) The term does not include the following:

(i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court of competent jurisdiction;

(ii) employees of the persons included in subsection (15)(b)(i) when engaged in the specific performance of their duties as employees; or

(iii) public officers while performing or in the operation of their duties.

(16) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.

(17) "Department" means the department of justice acting directly or through its duly authorized officers or agents.

(18) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

(19) "Domiciled" means a place where:

(a) an individual establishes residence;

(b) a business entity maintains its principal place of business;

(c) the business entity's registered agent maintains an address; or

(d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer, or pole trailer that it owns or leases.

(20) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as maintained by the department on the individual Montana driving record and the CDLIS driver record for that person.

(21) "Driver" means a person who drives or is in actual physical control of a vehicle.

(22) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

(a) any temporary license or learner license;

(b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

(c) any nonresident's driving privilege;

(d) a motorcycle endorsement; or

(e) a commercial driver's license.

(23) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12 1/2 miles an hour.

(24) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

(25) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour.

(b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory liability insurance requirements under this title.

(26) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

(27) "Hazardous material" means:

(a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under 49 CFR, part 172; or

(b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

(28) "Highway" or "public highway" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(29) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(30) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

(31) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

(a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

(b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain, commonly referred to as a donor vehicle.

(32) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

(33) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be transported, that:

(a) has four wheels;

(b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as certified by the manufacturer;

(c) is propelled by its own power, using an electric motor or other device that transforms stored electrical energy into the motion of the vehicle;

(d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power grid or from renewable electrical energy sources;

(e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

(f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle identification number as provided in 49 CFR, part 565; and

(g) is equipped as provided in 61-9-432.

(34) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

(a) a temporary license or learner license;

(b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of 61-5-122, whether or not the person holds a valid driver's license; and

(c) a nonresident's similarly restricted driving privilege.

(35) "Manufactured home" has the meaning provided in 15-24-201.

(36) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular business.

(37) "Manufacturer's certificate of origin" means the original paper record produced and issued by the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of ownership of the vehicle to the person or persons named in the certificate.

(38) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be transported, that:

(i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

(ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical energy into the motion of the vehicle;

(iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power grid or from renewable electrical energy sources;

(iv) is fully enclosed and includes at least one door for entry;

(v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

(vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle identification number as provided in 49 CFR, part 565;

(vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that indicates the vehicle's maximum speed rating; and

(viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

(b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and registration under Title 61, chapter 3.

(c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

(39) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

(40) "Montana resident" means:

(a) an individual who resides in Montana as determined under 1-1-215; or

(b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a registered agent in this state.

(41) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by a court that are operating motor vehicles on a public highway in this state for the transportation of property for hire on a commercial basis.

(b) The term does not include motor carriers regulated under Title 69, chapter 12.

(42) "Motor home" means a motor vehicle:

(a) designed to provide temporary living quarters, built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;

(b) containing permanently installed independent life support systems that meet the NFPA 1192 standard on recreational vehicles; and

(c) providing at least four of the following types of facilities:

(i) cooking, refrigeration, or icebox;

(ii) self-contained toilet;

(iii) heating or air conditioning, or both;

(iv) potable water supply, including a faucet and sink; or

(v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply, or both.

(43) (a) "Motor vehicle" means:

(i) a vehicle propelled by its own power and designed or used to transport persons or property on the highways of the state;

(ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; or

(iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

(b) The term does not include a bicycle*, a motorized scooter,* or a moped as defined in 61-8-102, an electric personal assistive mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

(44) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

(b) The term does not include a vessel that has a valid marine document issued by the United States coast guard or any successor federal agency.

(45) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

(b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

(c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been modified to meet the equipment standards specified in chapter 9 and has been registered for highway use.

(d) The term includes an autocycle.

(e) The term does not include a tractor, a bicycle or a moped as defined in 61-8-102, *a motorized scooter,* a motorized nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

(46) (a) "Motor-driven cycle" means a motorcycle, including a ~~motor~~ *motorized* scooter, with a motor that produces 5 horsepower or less.

(b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized nonstandard vehicle.

(47) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be transported, that:

(i) is propelled by its own power, using an internal combustion engine or an electric motor;

(ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

(iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

(b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a "pocket rocket".

(c) The term does not include a moped as defined in 61-8-102, *a motorized scooter,* an electric personal assistive mobility device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

(48) (a) "Motorized scooter" means a vehicle without a seat that may be propelled solely or in part by muscular propulsion or by an independent power source, such as an engine or motor. The power source may not be capable of propelling the device at a speed exceeding 30 miles an hour on a level surface.

(b) The term does not include an electrically assisted bicycle.

~~(48)~~*(49)* "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as the result of a retail sale.

~~(49)~~*(50)* "Nonresident" means a person who is not a Montana resident.

~~(50)~~*(51)* (a) "Not used for general transportation purposes" means the operation of a motor vehicle registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional transportation activity.

(b) The term does not include operation of a motor vehicle for routine or ordinary household maintenance, employment, education, or other similar purposes.

~~(51)~~*(52)* (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

(b) The term does not include:

(i) vehicles designed primarily for travel on, over, or in the water;

(ii) snowmobiles; or

(iii) motor vehicles designed to transport persons or property on the highways unless the vehicle is used for off-road recreation on public lands.

~~(52)~~*(53)* "Operator" means a person who is in actual physical control of a motor vehicle.

~~(53)~~*(54)* "Owner" means each person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession and control vested in an individual human being or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise in an individual human being, or in the event a mortgagor of a vehicle is entitled to possession and control, then the owner is the individual human being or mortgagor in whom is vested the right of possession and control.

~~(54)~~*(55)* "Person" means an individual human being, corporation, partnership, association, firm, or other legal entity.

~~(55)~~*(56)* "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of

propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

~~(56)~~*(57)* "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

~~(57)~~*(58)* "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

~~(58)~~*(59)* (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle on which the operator sits.

(b) The term does not include golf carts.

~~(59)~~*(60)* "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on stationary rails.

~~(60)~~*(61)* (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars coupled to the engine, that is operated on rails.

(b) The term does not include streetcars.

~~(61)~~*(62)* "Recreational vehicle" includes a motor home, travel trailer, or camper.

~~(62)~~*(63)* "Registration" or "register" means the act or process of creating an electronic record, maintained by the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department records.

~~(63)~~*(64)* "Registration decal" means an adhesive sticker produced by the department and issued by the department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department under 61-3-101.

~~(64)~~*(65)* "Registration receipt" means a paper record that is produced and issued or, if authorized by the department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the vehicle for the registration period indicated in the receipt.

~~(65)~~*(66)* "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes other than resale.

~~(66)~~*(67)* "Revocation" means the termination by action of the department of a person's driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license for a period of time designated by law, during which the license or privilege may not be renewed, restored, or exercised. An application for a new license may be presented and acted on by the department after the expiration of the period of the revocation.

~~(67)~~*(68)* "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways, the term refers to any roadway separately but not to all roadways collectively.

~~(68)~~*(69)* (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

~~(69)~~*(70)* "School zone" means an area near a school beginning at the school's front door, encompassing the campus and school property, and including the streets directly adjacent to the school property and for as many blocks surrounding the school as determined by the local authority establishing a special speed limit under 61-8-310(1)(d).

~~(70)~~*(71)* "Sell" means to transfer ownership from one person to another person or from a dealer to another person for consideration.

~~(71)~~*(72)* "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

~~(72)~~*(73)* "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

~~(73)~~*(74)* "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

~~(74)~~*(75)* (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

(i) was not originally constructed under a distinctive make, model, or type by a generally recognized manufacturer of motor vehicles;

(ii) has been structurally modified so that it does not have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;

(iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from other vehicles;

(iv) has been constructed or assembled by using major component parts from one or more manufactured vehicles and that cannot be identified as a specific make or model; or

(v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

(b) The term does not include a motor vehicle that has been repaired or restored to its original design by replacing parts.

~~(75)~~*(76)* (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use.

(b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

~~(76)~~*(77)* (a) "Stop", when required, means complete cessation from movement.

(b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, highway patrol officer, or traffic control sign or signal.

~~(77)~~*(78)* "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when space at the dealer's established place of business is not available.

~~(78)~~*(79)* "Street" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

~~(79)~~*(80)* "Street rod" means a motor vehicle, other than a motorcycle, that:

(a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949, including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

(b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

~~(80)~~*(81)* "Suspension" means the temporary withdrawal by action of the department of a person's driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's license for a period of time designated by law.

~~(81)~~*(82)* "Temporary registration permit" means a paper record:

(a) issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic interface after an electronic record has been transmitted to the department, that contains:

(i) required vehicle and owner information; and

(ii) the purpose for which the record was generated; and

(b) that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:

(i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs; or

(ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(4)(b).

~~(82)~~*(83)* "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel.

~~(83)~~*(84)* (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests on the towing vehicle.

(b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

~~(84)~~*(85)* "Transaction summary receipt" means an electronic record produced and issued by the department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and verify the electronic filing of the transaction described in the receipt on the electronic record of title maintained under 61-3-101.

~~(85)~~*(86)* "Travel trailer" means a vehicle:

(a) that is 46 feet or less in length;

(b) that is of a size or weight that does not require special permits when towed by a motor vehicle; and

(c) that is designed to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

~~(86)~~*(87)* "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

~~(87)~~*(88)* "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

~~(88)~~*(89)* "Under the influence" has the meaning provided in 61-8-1001.

~~(89)~~*(90)* "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, or given away or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is commonly known as "secondhand" within the ordinary meaning of that term.

~~(90)~~*(91)* "Van" means a motor vehicle designed for the transportation of at least six persons and not more than nine persons and intended for but not limited to family or personal transportation without compensation.

~~(91)~~*(92)* (a) "Vehicle" means a device in, on, or by which any person or property may be transported or drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or tracks.

(b) The term does not include a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

~~(92)~~*(93)* "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

~~(93)~~*(94)* "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~(94)~~*(95)* "Wholesaler" means a person that for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

Section 2. Section 61-3-317, MCA, is amended to read:

"**61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty -- display of proof of purchase.** (1) The new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer has a grace period of 40 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by this chapter, and local option taxes, if applicable. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the streets and highways of this state during this period unless a temporary registration permit has been issued for and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

(2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current registration receipt or registration decal during the period allowed under 61-1-101~~(81)(b)~~*(82)(b)* if at all times during that period a temporary registration permit issued under 61-3-224 is properly displayed."

Section 3. Section 61-8-102, MCA, is amended to read:

"**61-8-102. Uniformity of interpretation -- definitions.** (1) Interpretation of this chapter in this state must be as consistent as possible with the interpretation of similar laws in other states.

(2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) "Authorized emergency vehicle" means a vehicle of a governmental fire agency organized under Title 7, chapter 33, an ambulance, or an emergency vehicle designated or authorized by the department.

(b) "Bicycle" means a vehicle propelled solely by human power on which any person may ride, irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. The term includes an electrically assisted bicycle.

(c) "Bicycle trailer" means a device with one or more wheels that is designed to be towed by a bicycle.

(d) "Business district" means the territory contiguous to and including a highway when within any 600 feet along a highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(e) "Controlled-access highway" means a highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or roadway except at the points and in the manner as determined by the public authority having jurisdiction over the highway, street, or roadway.

(f) "Crosswalk" means:

(i) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface.

(g) "Electrically assisted bicycle" means a vehicle on which a person may ride that has two tandem wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no faster than 20 miles an hour on a paved, level surface.

(h) "Flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic on a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This person, except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned vehicular traffic hazard, must be equipped as required by the rules of the department of transportation.

(i) "Highway" has the meaning provided in 61-1-101, but includes ways that have been or are later dedicated to public use.

(j) "Ignition interlock device" means ignition equipment that:

(i) analyzes the breath to determine blood alcohol concentration;

(ii) is approved by the department pursuant to 61-8-1025; and

(iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a specific amount of an alcoholic beverage.

(k) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one another at or approximately at right angles or the area within which vehicles traveling on different highways joining at any other angle may come in conflict.

(ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting highways also include two roadways 30 feet or more apart, then every crossing of two roadways of the highways must be regarded as a separate intersection.

(l) "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

(m) "Local authorities" means every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

(n) "Moped" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.

(o) (i) "Motorized scooter" means a vehicle without a seat that may be propelled solely or in part by muscular propulsion or by an independent power source, such as an engine or motor. The power source may not be capable of propelling the device at a speed exceeding 30 miles an hour on a level surface.

(ii) The term does not include an electrically assisted bicycle.

~~(o)~~*(p)* "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and includes but is not limited to the vehicles listed in 61-1-101(10)(b).

~~(p)~~*(q)* "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

~~(q)~~*(r)* "Pedestrian" means any person on foot or any person in a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

~~(r)~~*(s)* "Police vehicle" means a vehicle used in the service of any law enforcement agency.

~~(s)~~*(t)* "Private road" or "driveway" means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~(t)~~*(u)* "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is primarily improved with residences or residences and buildings in use for business.

~~(u)~~*(v)* "Right-of-way" means the privilege of the immediate use of the roadway.

~~(v)~~*(w)* "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.

~~(w)~~*(x)* "School bus" has the meaning provided in 20-10-101.

~~(x)~~*(y)* "Sidewalk" means the portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use by pedestrians.

~~(y)~~*(z)* "Traffic control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

~~(z)~~*(aa)* "Urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-fourth mile or more."

Section 4. Section 61-8-601, MCA, is amended to read:

"**61-8-601. Effect of regulations.** (1) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this part.

(2) Subject to the exceptions stated in this part, the regulations applicable to bicycles apply whenever:

(a) a bicycle ~~or~~, moped, *or motorized scooter* is operated on any highway; or

(b) a bicycle is operated on any path set aside for the exclusive use of bicycles."

Section 5. Section 61-8-602, MCA, is amended to read:

"**61-8-602. Traffic laws applicable to persons operating bicycles ~~or~~, mopeds, *or motorized scooters.*** A person operating a bicycle, ~~or~~ moped, *or motorized scooter* is granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle by chapter 7, chapter 9, and this chapter except for special regulations in this part or the provisions of chapter 7, chapter 9, and this chapter that by their nature cannot apply."

Section 6. Section 61-8-603, MCA, is amended to read:

"**61-8-603. Riding on bicycles ~~or~~, mopeds, *or motorized scooters.*** A person propelling a bicycle or moped may ride only on or astride a permanent and regular seat attached to the bicycle or moped. *This requirement does not apply to a motorized scooter.*"

Section 7. Section 61-8-604, MCA, is amended to read:

"**61-8-604. Clinging to vehicles.** A person riding on any bicycle, coaster, moped, *motorized scooter,* roller skates, sled, or toy vehicle may not attach the conveyance or be attached to any vehicle on a roadway, but a bicycle trailer may be attached to a bicycle."

Section 8. Section 61-8-606, MCA, is amended to read:

"**61-8-606. Carrying articles.** A person operating a bicycle, ~~or~~ moped, *or motorized scooter* may not carry any package, bundle, or article that prevents the person from keeping at least one hand on the handlebars."

Section 9. Section 61-8-607, MCA, is amended to read:

"**61-8-607. Lamps and other equipment on bicycles, ~~and~~ mopeds, *or motorized scooters.*** (1) A bicycle, ~~or~~ moped, *or motorized scooter* when in use at dawn, dusk, or nighttime must be equipped with:

(a) a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front. In lieu of a lamp affixed to the bicycle, ~~or~~ moped, *or motorized scooter*, a ~~bicyclist~~ *rider* may use a lamp with equal intensity and visibility affixed to the ~~cyclist's~~ *rider's* helmet and facing forward.

(b) facing the rear, either a lamp emitting a red light visible from a distance of at least 500 feet to the rear or a red reflector visible from a distance of at least 500 feet to the rear when illuminated by low-beam motor vehicle headlamps. *In lieu of a lamp affixed to the bicycle, moped, or motorized scooter, a rider may use a red lamp with equal intensity and visibility affixed to the rider and facing the rear.*~~; and~~

(c) reflective material large and reflective enough to be visible from the left and right sides from a distance of at least 500 feet when illuminated by low-beam motor vehicle headlamps.

(2) A bicycle, ~~or~~ moped, *or motorized scooter* must be equipped with a brake enabling the operator to stop the bicycle ~~or~~, moped, *or motorized scooter* within no more than 25 feet from a speed of 10 miles an hour on dry, level, clean pavement."

Section 10. Section 61-8-608, MCA, is amended to read:

"**61-8-608. Bicycles ~~or~~, mopeds*, or motorized scooters* on sidewalks and bike lanes.** (1) Subject to the provisions of subsection (3)(b), a person operating a bicycle*,* ~~or~~ moped*, or motorized scooter* on and along a sidewalk or across a roadway on and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

(2) A person may not ride a bicycle*,* ~~or~~ moped*, or motorized scooter* on and along a sidewalk or across a roadway on and along a crosswalk where the use of a bicycle*,* ~~or~~ moped*, or motorized scooter* is prohibited by official traffic control devices.

(3) (a) Except as provided in subsections (1) and (2), a person operating a vehicle by human power on and along a sidewalk or across a roadway on and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances.

(b) A moped *or motorized scooter* may be operated on and along a sidewalk or a bicycle path only under human propulsion and may not be operated on or along a sidewalk or bicycle path if the moped *or motorized scooter* is under power from an independent power source.

(c) A moped *or motorized scooter* may be operated under human propulsion or an independent power source on a highway, in a designated bicycle lane on a highway, or on the shoulder of a highway."

Section 11. Section 61-8-609, MCA, is amended to read:

"**61-8-609. Bicycle, ~~or~~ moped*, or motorized scooter* racing -- when lawful.** (1) Bicycle*,* ~~or~~ moped*, or motorized scooter* racing on a highway is prohibited except as authorized in this section.

(2) Bicycle ~~or~~*,* moped*, or motorized scooter* racing on a highway is lawful when a racing event is approved by state or local authorities on any highway under their respective jurisdictions. Approval of ~~bicycle or moped~~ highway racing events may be granted only under conditions that ensure reasonable safety for all race participants, spectators, and other highway users and that prevent unreasonable interference with traffic flow.

(3) By agreement with the approving authority, participants in an approved bicycle*,* ~~or~~ moped*, or motorized scooter* highway racing event may be exempted from compliance with any traffic laws otherwise applicable if traffic control is adequate to ensure the safety of all highway users."

Section 12. Section 61-9-417, MCA, is amended to read:

"**61-9-417. Headgear required for minor motorcycle riders.** (1) (a) Except as provided in subsection (1)(b), an operator and passenger under 18 years of age of a motorcycle*, moped, motorized scooter,* or quadricycle operated on the streets or highways of this state shall wear protective headgear on the head. The headgear must meet standards established by the department of justice.

(b) This section does not apply to an operator and passenger of an autocycle as defined in 61-1-101 that is completely enclosed with a windshield, nonremovable doors, and a roof.

(2) A person may not operate a motorcycle*, moped, motorized scooter, or quadricycle* upon a highway in the state unless all passengers under 18 years of age are in compliance with subsection (1)."

Section 13. Coordination instruction. If House Bill No. 99 and [this act] are passed and approved, and if both contain a section that amends 61-3-317, then [section 2 of this act], amending 61-3-317, is void.

Approved May 13, 2025

CHAPTER NO. 694

[HB 590]

AN ACT GENERALLY REVISING LAWS RELATED TO ELECTRONIC HEALTH RECORDS; REQUIRING HEALTH CARRIERS TO ESTABLISH AND MAINTAIN CERTAIN APPLICATION PROGRAMMING INTERFACES FOR THE BENEFIT OF THE INSURED; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Health carrier and patient access to health information – exemption – deadline extensions. (1) A health carrier as defined in 33-2-2402 shall establish and maintain the following application programming interfaces for the benefit of the carrier's insureds and contracted providers:

(a) a patient access application programming interface, pursuant to 42 CFR 422.119(a) through 422.119(e);

(b) a provider directory application programming interface, pursuant to 42 CFR 422.120;

(c) a provider access application programming interface, pursuant to 42 CFR 422.121(a);

(d) a payer-to-payer exchange application programming interface, pursuant to 42 CFR 422.121(b); and

(e) a prior authorization application programming interface, pursuant to section 42 CFR 422.122.

(2) A health carrier shall establish and maintain each application programming interface provided for in subsection (1) for the health carrier's insured and providers at the earliest date required by the centers for medicare and medicaid services for that type of application programming interface.

(3) An application programming interface must comply with standards published by the centers for medicare and medicaid services, including effective dates, enforcement delays, and suspensions.

(4) This section does not apply to a health carrier offering a dental only or vision only plan.

(5) (a) The commissioner may extend the deadlines described in this section.

(b) To obtain an extension, a health carrier shall submit a request in writing demonstrating that compliance:

(i) would be unduly burdensome, impracticable, or unfeasible; and

(ii) would result in economic harm to the carrier or other stakeholders.

(c) An extension must be granted in writing, including the commissioner's reasoning for the decision to extend.

(d) An approved extension must be published on the commissioner's website.

(6) For the purposes of this section, "commissioner" means the insurance commissioner of the state of Montana.

Section 2. Privacy of electronic health records. (1) Except as provided in subsection (2) of this section, a health care provider requesting that a medical laboratory test for a patient is performed may not engage in information blocking as that term is defined in 42 U.S.C. 300jj-52.

(2) The following reports or test results and any other related results must be disclosed to a patient as part of the patient's electronic health record 72 hours after the results are finalized or when the patient's health care provider directs the release of the results, whichever occurs first:

(a) pathology reports or radiology reports that have a reasonable likelihood of showing a finding of new or recurring malignancy;

(b) tests that could reveal genetic markers;

(c) a positive HIV diagnostic test, as that term is defined in 50-16-1003; or

(d) the presence of antigens indicating a hepatitis infection.

(3) Nothing in this section modifies or supersedes an individual's right to amend medical records provided under 45 CFR 164.526.

(4) For the purposes of this section, "electronic health record" means an electronic system designed and used to integrate and aggregate electronic health care information from multiple sources, including, as applicable, a patient's medical history, diagnoses, treatment plans, immunization dates, allergies, radiology images, pharmacy records, laboratory orders and final results, and clinical and procedural notes from health care providers and the various medical and surgical specialties involved in the care of patients.

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 50, chapter 16, part 8, and the provisions of Title 50, chapter 16, part 8, apply to [section 2].

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Effective dates. [This act] is effective July 1, 2026.

Approved May 13, 2025

CHAPTER NO. 695

[HB 592]

AN ACT GENERALLY REVISING STATE AGENCY RULEMAKING UNDER THE ADMINISTRATIVE PROCEDURE ACT; REQUIRING AN AGENCY TO CONTACT THE PRIMARY SPONSOR OF LEGISLATION RELATED TO A RULE PROPOSAL; REVISING AGENCY NOTICE AND HEARING REQUIREMENTS; REQUIRING AN AGENCY TO IMPLEMENT AN INTERESTED PERSONS LIST FOR RULE PROPOSALS; SPECIFYING RULE REVIEW COMMITTEE OBJECTION NOTIFICATION REQUIREMENTS; AMENDING SECTIONS 2-3-301, 2-4-110, 2-4-111, 2-4-302, 2-4-305, 2-4-306, 2-4-406, AND 37-1-122, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Sponsor contact for administrative rulemaking -- sponsor comments -- request for economic impact statement. (1) When an agency begins to work on the substantive content of a proposal notice for a rule that initially implements legislation, the agency shall contact the legislator who was the primary sponsor of the legislation. The primary sponsor must be contacted at the sponsor's legislative e-mail address. An agency has complied with the primary sponsor contact requirements of this section upon sending the e-mail meeting the requirements of this subsection. The agency shall:

(a) inform the sponsor of known and expected dates in the rulemaking process;

(b) provide the sponsor a timeline to submit informal comments or to meet to discuss the rulemaking; and

(c) invite the sponsor's explanation of the legislation's intent.

(2) If comments received from the sponsor are not incorporated into the rules proposed, the agency shall set forth the reasons for not incorporating the comments as part of the proposal notice.

(3) The sponsor may request an economic impact statement be prepared pursuant to 2-4-405. The request must set forth the requirements of 2-4-405(2)(a) and an explanation of whether and how the economic burden of the proposed rulemaking can be mitigated while implementing the sponsor's legislation. The request must be directed to the appropriate administrative rule review committee, and the provisions of 2-4-405 apply.

(4) The sponsor is an interested person as set forth in 2-4-302 for purposes of rulemaking that initially implements legislation.

Section 2. Section 2-3-301, MCA, is amended to read:

"**2-3-301. Agency to accept public comment electronically -- dissemination of electronic ~~mail~~ *comments* address and documents required -- fees prohibited.** (1) An agency that accepts public comment pursuant to a statute, administrative rule, or policy, including an agency adopting rules pursuant to the Montana Administrative Procedure Act or an agency to which 2-3-111 applies, shall provide for the receipt of public comment ~~by the agency by use of an electronic mail system~~ *electronically*.

(2) As part of the agency action required by subsection (1), an agency shall disseminate by appropriate media ~~its electronic mail~~ *the* address to which public comment may be made, including dissemination in:

(a) rulemaking notices published pursuant to the Montana Administrative Procedure Act;

(b) the telephone directory of state agencies published by the department of administration;

(c) any notice of agency existence, purpose, and operations published on the internet; or

(d) any combination of the methods of dissemination provided in subsections (2)(a) through (2)(c).

(3) An agency shall, at the request of another agency or person and subject to 2-6-1003, disseminate the electronic documents to that agency or person by electronic mail in place of surface mail. Notification of the availability of an electronic notice of proposed rulemaking may be sent to an interested person as provided in 2-4-302~~(2)(a)(ii)~~. An agency may not charge a fee for providing documents by electronic mail in accordance with this subsection.

(4) An agency that receives electronic ~~mail~~ *comments* pursuant to subsection (1) shall retain the electronic ~~mail~~ *comments* as either an electronic or a paper copy to the same extent that other comments are retained.

(5) As used in this section, "agency" means a department, division, bureau, office, board, commission, authority, or other agency of the executive branch of state government."

Section 3. Section 2-4-110, MCA, is amended to read:

"**2-4-110. Departmental review of rule notices.** (1) The head of each department of the executive branch shall appoint an existing attorney, paralegal, or other qualified person from that department to review each departmental rule proposal notice, adoption notice, or other notice relating to administrative rulemaking. Notice of the name of the person appointed under this subsection and of any successor must be given to the secretary of state *before submitting approval of a notice to the secretary of state* ~~and the appropriate administrative rule review committee within 10 days of the appointment~~.

(2) The person appointed under subsection (1) shall review each notice by any division, bureau, or other unit of the department, including units attached

to the department for administrative purposes only under 2-15-121 unless otherwise excepted, for compliance with this chapter before the notice is filed with the secretary of state. The reviewer shall pay particular attention to 2-4-302 and 2-4-305. The review must include but is not limited to consideration of:

(a) the adequacy of the statement of reasonable necessity for the intended action and whether the intended action is reasonably necessary to effectuate the purpose of the code section or sections implemented;

(b) whether the proper statutory authority for the rule is cited;

(c) whether the citation of the code section or sections implemented is correct;

(d) whether the intended action is contrary to the code section or sections implemented or to other law; and

(e) for a rule that initially implements legislation, whether the intended action is contrary to any comments submitted to the department by the primary sponsor of the legislation for the purposes of ~~2-4-302~~ *[section 1]*.

(3) The person appointed under subsection (1) shall ~~sign~~ *approve* each notice for which this section requires a review. The act of ~~signing~~ *approving* is an affirmation that the review required by this section has been performed to the best of the reviewer's ability. The secretary of state may not accept for filing a notice that does not have the ~~signature~~ *approval* required by this section."

Section 4. Section 2-4-111, MCA, is amended to read:

"**2-4-111. Small business impact analysis -- assistance.** (1) *(a)* ~~Prior to the adoption of a proposed rule, the agency that has proposed the rule shall determine if the rule will significantly and directly impact small businesses. If the agency determines that the proposed rule will impact small businesses, the determination must be published in the register when the proposed rule is published. If the agency determines that the proposed rule may have a significant and direct impact on small businesses and if subsection (4) does not apply, the agency shall prepare a~~ *A proposal notice pursuant to 2-4-302 must include a small business impact analysis. The* small business impact analysis ~~that~~, at a minimum, must:

~~(a)~~*(i)* identify by class or group the small businesses probably affected by the proposed rule; *and*

~~(b)~~*(ii)* include a statement of the probable significant and direct effects of the proposed rule on the small businesses identified in subsection (1)(a)*(i)*~~; and~~.

~~(c) include a description of any alternative methods that may be reasonably implemented to minimize or eliminate any potential adverse effects of adopting the proposed rule while still achieving the purpose of the proposed rule.~~

~~(2) The agency shall provide documentation for the estimates, statements, and descriptions required under subsection (1).~~

~~(3) The office of economic development, established in 2-15-218, shall advise and assist agencies in complying with this section.~~

(b) If the agency proposes to adopt, increase, or decrease a monetary amount that a person shall pay or will receive, such as a fee, cost, or benefits, the analysis must include an estimate, if known, of:

(i) the cumulative amount for all persons of the proposed increase, decrease, or new amount; and

(ii) the number of persons affected.

~~(4)~~*(2)* An agency is not required to prepare a separate small business impact analysis under this section if the agency pursuant to 2-4-405 is preparing or has prepared an economic impact statement regarding adoption, amendment, or repeal of a rule.

(3) The agency shall provide documentation for the estimates, statements, and descriptions required under subsection (1).

~~(5)~~*(4)* The final adoption, amendment, or repeal of a rule is not subject to challenge in any court as a result of the inaccuracy or inadequacy of a small business impact analysis required under this section."

Section 5. Section 2-4-302, MCA, is amended to read:

"**2-4-302. Notice, hearing, and submission of views.** (1) ~~(a)~~ Prior to the adoption, amendment, or repeal of any rule, the agency shall give written notice of its proposed action. The proposal notice must include*:*

(a) a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, *and* the reasonable necessity for the proposed action, *written in plain, easily understood language;*

(b) ~~and~~ the time ~~when~~, place ~~where~~, and manner in which interested persons may present their views on the proposed action. ~~The reasonable necessity must be written in plain, easily understood language.~~ *If an oral hearing is not scheduled, the notice of proposed rulemaking must state that opportunity for oral hearing must be granted if requested by either 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rule, by a governmental subdivision or agency, by the appropriate administrative rule review committee, or by an association having not less than 25 members who will be directly affected. If the proposed rulemaking involves matters of significant interest to the public, the agency shall schedule an oral hearing.*

~~(b) The agency shall state in the proposal notice the date on which and the manner in which contact was made with the primary sponsor as required in subsection (2)(e). If the notification to the primary sponsor was given by mail, the date stated in the proposal notice must be the date on which the notification was mailed by the agency. If the proposal notice fails to state the date on which and the manner in which the primary sponsor was contacted, the filing of the proposal notice under subsection (2)(a) is ineffective for the purposes of this part and for the purposes of the law that the agency cites in the proposal notice as the authority for the proposed action.~~

~~(c) If the agency proposes to adopt, increase, or decrease a monetary amount that a person shall pay or will receive, such as a fee, cost, or benefit, the notice must include an estimate, if known, of:~~

~~(i) the cumulative amount for all persons of the proposed increase, decrease, or new amount; and~~

~~(ii) the number of persons affected.~~

(c) the small business impact analysis as required by 2-4-111 or the economic impact statement as permitted by 2-4-405; and

(d) a statement of compliance with the primary sponsor contact provisions of [section 1].

(2) ~~(a)~~ The proposal notice must be filed with the secretary of state for publication in the register, as provided in 2-4-312. ~~When the agency files the proposal notice with the secretary of state to prepare it for publication in the register, the~~ *The* agency shall ~~concurrently~~ send an electronic copy of the *published* proposal notice to the appropriate administrative rule review committee. ~~If the secretary of state requires formatting changes to the proposal notice before it may be published, the agency is not required to send another copy of the proposal notice to the committee. The requirement to concurrently send a copy of the proposal notice to the committee is fulfilled if the agency sends an electronic copy to each member of the staff of the appropriate rule review committee on the same day that the notice is filed with the secretary of state.~~ *The agency shall also post the proposal notice on a state digital access system or other electronic communications system available to the public.*

~~(b) (i) Except as provided in subsection (2)(b)(ii), within 3 days of publication, a copy of the published proposal notice must be sent to interested persons who have made timely requests to the agency to be informed of its rulemaking proceedings, and to the office of any professional, trade, or industrial society or organization or member of those entities who has filed a request with the appropriate administrative rule review committee when the request has been forwarded to the agency as provided in subsection (2)(c).~~

~~(ii) In lieu of sending a copy of the published proposal notice to an interested person who has requested the notice, the agency may, with the consent of that person, send that person an electronic notification~~

(3) Each agency shall create and maintain a list of interested persons and the subjects about which each person is interested. Each agency shall:

(a) notify interested persons within 3 days of publication of a proposal notice that the proposal notice is available on the agency's website and an electronic link to the part of the agency's website or a description of the means of locating that part of the agency's website where the notice is available~~.~~*;*

(b) allow interested persons to receive a hard copy via mail of proposal notices, if requested; and

~~(iii) Each agency shall create and maintain a list of interested persons and the subject or subjects in which each person on the list is interested. A person who submits a written comment or attends a hearing in regard to proposed agency action under this part must be informed of the list by the agency. An agency complies with this subsection (2)(b)(iii) if it includes in the proposal notice an advisement explaining how persons may be placed on the list of interested persons and if it complies with subsection (7).~~

~~(c) The appropriate administrative rule review committee shall forward a list of all organizations or persons who have submitted a request to be informed of agency actions to the agencies that the committee oversees that publish rulemaking notices in the register. The list must be amended by the agency upon request of any person requesting to be added to or deleted from the list.~~

~~(d) The proposal notice required by subsection (1) must be published at least 30 days in advance of the agency's proposed action. The agency shall post the proposal notice on a state digital access system or other electronic communications system available to the public.~~

~~(e) (i) When an agency begins to work on the substantive content and the wording of a proposal notice for a rule that initially implements legislation, the agency shall contact, as provided in subsection (8), the legislator who was the primary sponsor of the legislation to:~~

~~(A) obtain the legislator's comments;~~

~~(B) inform the legislator of the known dates by which each step of the rulemaking process must be completed; and~~

~~(C) provide the legislator with information about the time periods during which the legislator may comment on the proposed rules, including the opportunity to provide comment to the appropriate administrative rule review committee.~~

~~(ii) If the legislation affected more than one program, the primary sponsor must be contacted pursuant to this subsection (2)(e) each time that a rule is being proposed to initially implement the legislation for a program.~~

~~(iii) Within 3 days after a proposal notice covered under subsection (2)(e)(i) has been published as required in subsection (2)(a), a copy of the published notice must be sent to the primary sponsor contacted under this subsection (2)(e).~~

(c) provide reasonable notice of the list of interested persons and how to sign up to it.

~~(3)~~*(4)* If a statute provides for a method of publication different from that provided in subsection (2), the affected agency shall comply with the statute in addition to the requirements contained in this section. However, the notice period may not be less than 30 days or more than 6 months.

~~(4)~~*(5) (a)* Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested persons*:*

(i) at least 20 days' notice of a hearing*; and*

(ii) ~~and~~ at least 28 days from the day of the original notice to submit data, views, or arguments, orally or in writing~~.~~.

(b) If an amended or supplemental notice is filed, additional time may be allowed for oral or written submissions. ~~In the case of substantive rules, the notice of proposed rulemaking must state that opportunity for oral hearing must be granted if requested by either 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rule, by a governmental subdivision or agency, by the appropriate administrative rule review committee, or by an association having not less than 25 members who will be directly affected. If the proposed rulemaking involves matters of significant interest to the public, the agency shall schedule an oral hearing.~~

~~(5)~~*(6)* An agency may continue a hearing date for cause. In the discretion of the agency, contested case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise required by statute, nothing in this section alters that requirement.

~~(6)~~*(7)* If an agency fails to publish a notice of adoption within the time required by 2-4-305(7) and the agency again proposes the same rule for adoption, amendment, or repeal, the proposal must be considered a new proposal for purposes of compliance with this chapter.

~~(7)~~*(8)* At the commencement of a hearing on the intended action, the person designated by the agency to preside at the hearing shall:

(a) read aloud the "Notice of Function of Administrative Rule Review Committee" appearing in the register; ~~and~~

(b) inform the persons at the hearing of the ~~provisions of subsection (2)(b) and provide them an opportunity to place their names on the list.~~ *interested persons list and how to sign up for it; and*

(c) provide a brief presentation that summarizes the rule proposal and the reasons for the proposal.

~~(8) (a) For purposes of contacting primary sponsors under subsection (2)(e), a current or former legislator who wishes to receive notice shall keep the current or former legislator's name, address, e-mail address, and telephone number on file with the secretary of state. The secretary of state may also use legislator contact information provided by the legislative services division for the purposes of the register. The secretary of state shall update the contact information whenever the secretary of state receives corrected information from the legislator or the legislative services division. An agency proposing rules shall consult the register when providing sponsor contact.~~

~~(b) An agency has complied with the primary bill sponsor contact requirements of this section when the agency has attempted to reach the primary bill sponsor at the legislator's address, e-mail address, and telephone number on file with the secretary of state pursuant to subsection (8)(a). If the agency is able to contact the primary sponsor by using less than all of these three methods of contact, the other methods need not be used.~~

(9) This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor

and industry rules relating to commercial drug formularies as provided in 39-71-704."

Section 6. Section 2-4-305, MCA, is amended to read:

"**2-4-305. Requisites for validity -- authority and statement of reasons.** (1) (a) The agency shall fully consider written and oral submissions respecting the proposed rule~~, including comments submitted by the primary sponsor of the legislation prior to the drafting of the substantive content and wording of a proposed rule that initially implements legislation~~.

(b) ~~(i)~~ Upon adoption of a rule, an agency shall ~~issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement~~ *fairly summarize and respond to the substance of comments received by the means set forth in the notice, and* the reasons for overruling the considerations urged against ~~its~~ *the rule's* adoption. If substantial differences exist between the rule as proposed and as adopted and the differences have not been described or set forth in the adopted rule as that rule is published in the register, the differences must be described in the statement of reasons for and against agency action. When written or oral submissions have not been received, an agency may omit the statement of reasons.

~~(ii) If an adopted rule that initially implements legislation does not reflect the comments submitted by the primary sponsor, the agency shall provide a statement explaining why the sponsor's comments were not incorporated into the adopted rule.~~

(2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language.

(3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that the rule purports to implement. A substantive rule may not be proposed or adopted unless:

(a) a statute granting the agency authority to adopt rules clearly and specifically lists the subject matter of the rule as a subject upon which the agency shall or may adopt rules; or

(b) the rule implements and relates to a subject matter or an agency function that is clearly and specifically included in a statute to which the grant of rulemaking authority extends.

(4) Each rule that is proposed and adopted by an agency and that implements a policy of a governing board or commission must include a citation to and description of the policy implemented. Each agency rule implementing a policy and the policy itself must be based on legal authority and otherwise comply with the requisites for validity of rules established by this chapter.

(5) To be effective, each substantive rule adopted must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.

(6) Whenever by the express or implied terms of any statute a state agency has authority to adopt rules to implement, interpret, make specific, or otherwise carry out the provisions of the statute, an adoption, amendment, or repeal of a rule is not valid or effective unless it is:

(a) consistent and not in conflict with the statute; and

(b) reasonably necessary to effectuate the purpose of the statute. A statute mandating that the agency adopt rules establishes the necessity for rules but

does not, standing alone, constitute reasonable necessity for a rule. The agency shall also address the reasonableness component of the reasonable necessity requirement by, as indicated in 2-4-302(1) and subsection (1) of this section, stating the principal reasons and the rationale for its intended action and for the particular approach that it takes in complying with the mandate to adopt rules. Subject to the provisions of subsection (8), reasonable necessity must be clearly and thoroughly demonstrated for each adoption, amendment, or repeal of a rule in the agency's notice of proposed rulemaking and in the written and oral data, views, comments, or testimony submitted by the public or the agency and considered by the agency. A statement that merely explains what the rule provides is not a statement of the reasonable necessity for the rule.

(7) A rule is not valid unless notice of it is given and it is adopted in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section, unless notice of adoption of the rule is published within 6 months of the publishing of notice of the proposed rule, and unless the adoption is in compliance with the prohibitions of subsection ~~(11)~~ *(10)*. The measure of whether an agency has adopted a rule in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section is not whether the agency has provided notice of the proposed rule, standing alone, but rather must be based on an analysis of the agency's substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section. If an amended or supplemental notice of either proposed or final rulemaking, or both, is published concerning the same rule, the 6-month limit must be determined with reference to the latest notice in all cases.

(8) (a) An agency may use an amended proposal notice or the adoption notice to correct deficiencies in citations of authority for rules and in citations of sections implemented by rules.

(b) An agency may use an amended proposal notice but, except for clerical corrections, may not use the adoption notice to correct deficiencies in a statement of reasonable necessity.

(c) If an agency uses an amended proposal notice to amend a ~~statement of reasonable necessity~~ *proposal* for reasons other than for corrections in citations of authority, in citations of sections being implemented, or of a clerical nature, the agency shall allow additional time for oral or written comments from the same interested persons who were notified of the original proposal notice, including from a primary sponsor, if primary sponsor notification was required under ~~2-4-302~~ *[section 1]*, and from any other person who offered comments or appeared at a hearing already held on the proposed rule.

~~(9) Subject to 2-4-112, if a majority of the members of the appropriate administrative rule review committee notify the committee presiding officer that those members object to all or a portion of a notice of proposed rulemaking, the committee shall notify the agency in writing that the committee objects to all or a portion of the proposal notice and will address the objections at the next committee meeting. Following notice by the committee to the agency, all or a portion of the proposal notice that the committee objects to may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection. A copy of the committee's notification to the agency must be included in the committee's records.~~

~~(10)~~*(9)* This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704.

~~(11)~~*(10)* (a) In the year preceding the year in which the legislature meets in regular session, an agency may not adopt a rule between October 1 through the end of the year.

(b) This subsection ~~(11)~~ *(10)* does not apply to:

(i) an emergency rule adopted under 2-4-303;

(ii) subject to subsection ~~(11)(c)(i)~~ *(10)(c)(i)*, a rule adopted for implementation of a program or policy if the unavailability of information, guidance, or notice precluded adoption of the rule before October 1; or

(iii) subject to subsection ~~(11)(c)(ii)~~ *(10)(c)(ii)*, a rule adopted by providing the proposal notice and statement of reasoning with an opportunity to object to the appropriate administrative rule review committee.

(c) (i) A rule may only be exempted under subsection ~~(11)(b)(ii)~~ *(10)(b)(ii)* if the notice required under 2-4-302(1)~~(a)~~ provides a statement explaining why the unavailability of information, guidance, or notice precluded adoption of the rule before October 1.

(ii) A rule may be exempted under subsection ~~(11)(b)(iii)~~ *(10)(b)(iii)* only if the agency provides a copy of the proposal notice and an explanation of the reason why the rule must be adopted before the end of the year by electronic mail to each member of the committee and the committee staff. If the committee does not object to the proposal within 10 business days after the electronic mail of the proposal and explanation has been sent to the committee, the agency may proceed with adoption of the proposed rule. If, during the 10-day review period, a majority of the members notify the committee presiding officer that those members object to the proposed rulemaking, the presiding officer shall notify the agency by electronic mail that the committee objects. Following notice of the objection, a rule may not be adopted before the end of the year."

Section 7. Section 2-4-306, MCA, is amended to read:

"**2-4-306. Filing and format -- adoption and effective dates -- dissemination of emergency rules.** (1) Each agency shall file with the secretary of state a copy of each rule adopted by it or a reference to the rule as contained in the proposal notice. A rule is adopted on the date that the adoption notice is filed with the secretary of state and is effective on the date referred to in subsection (4), except that if the secretary of state requests corrections to the adoption notice, the rule is adopted on the date that the revised notice is filed with the secretary of state.

(2) Pursuant to 2-15-401, the secretary of state may prescribe rules to effectively administer this chapter, including rules regarding the printed or electronic format, style, and arrangement for notices and rules that are filed pursuant to this chapter, and may refuse to accept the filing of any notice or rule that is not in compliance with this chapter and the secretary of state's rules. The secretary of state shall keep and maintain a permanent register of all notices and rules filed, including superseded and repealed rules, that must be open to public inspection and shall provide copies of any notice or rule upon request of any person. Unless otherwise provided by statute, the secretary of state may require the payment of the cost of providing copies.

(3) If the appropriate administrative rule review committee has conducted a poll of the legislature in accordance with 2-4-403, the results of the poll must be published with the rule if the rule is adopted by the agency.

(4) Each rule is effective after publication in the register, as provided in 2-4-312, except that:

(a) if a later date is required by statute or specified in the rule, the later date is the effective date;

(b) subject to applicable constitutional or statutory provisions:

(i) a temporary rule is effective immediately upon filing with the secretary of state or at a stated date following publication in the register; and

(ii) an emergency rule is effective at a stated date following publication in the register or immediately upon filing with the secretary of state if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of reasons for the finding must be filed with the rule. The agency shall, in addition to the required publication in the register, take appropriate and extraordinary measures to make emergency rules known to each person who may be affected by them.

(c) if, following written administrative rule review committee notification to an agency under ~~2-4-305(9)~~ *2-4-406*, the committee meets and under 2-4-406~~(1)~~*(2) formally* objects to all or some portion of a proposed rule before the proposed rule is adopted, the proposed rule or portion of the proposed rule objected to is not effective until the day after final adjournment of the regular session of the legislature that begins after the notice proposing the rule was published by the secretary of state, unless, following the committee's *formal* objection under 2-4-406~~(1)~~*(2)* and subject to 2-4-112:

(i) the committee withdraws its objection under 2-4-406 before the proposed rule is adopted; or

(ii) the rule or portion of a rule objected to is adopted with changes that in the opinion of a majority of the committee members, as communicated in writing to the committee presiding officer and staff, make it comply with the committee's objection and concerns.

(5) An agency may not enforce, implement, or otherwise treat as effective a rule proposed or adopted by the agency until the effective date of the rule as provided in this section. Nothing in this subsection prohibits an agency from enforcing an established policy or practice of the agency that existed prior to the proposal or adoption of the rule as long as the policy or practice is within the scope of the agency's lawful authority.

(6) This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704."

Section 8. Section 2-4-406, MCA, is amended to read:

"**2-4-406. Committee objection to violation of authority for rule -- effect.** (1) *Subject to 2-4-112, the appropriate administrative rule review committee may informally object to a notice of proposed rulemaking. If a majority of the members of the appropriate administrative rule review committee notify the committee presiding officer that they object to all or a portion of a notice of proposed rulemaking:*

(a) the committee shall notify the agency in writing of the objection;

(b) the committee shall address the objections at the next committee meeting; and

(c) the objecting members shall be identified in the committee's records.

(d) The proposal notice to which the committee objects may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not renew the objection by majority vote.

(2) (a) Subject to 2-4-112, *the appropriate administrative rule review committee may formally object to a proposed or adopted rule.* ~~if~~ *If* the appropriate administrative rule review committee objects to all or some portion of a

proposed or adopted rule because the committee*, by majority vote,* considers it not to have been proposed or adopted in substantial compliance with 2-4-302, 2-4-303, and 2-4-305, the committee shall send a written objection to the agency ~~that promulgated the rule.~~*:*

(i) ~~The objection must contain~~ *that contains* a concise statement of the committee's reasons for its action.*;*

(ii) that sets forth the provisions of 2-4-302, 2-4-303, and 2-4-305 with which the proposal does not comply and the basis for belief of noncompliance; and

(iii) that must be included in the committee's records.

(b) Following notice by the committee to the agency, all or a portion of the proposal notice that the committee objects to may not be adopted until:

(i) publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection; or

(ii) as provided in 2-4-306(4)(c).

~~(2)~~*(3)* Within 14 days after the mailing of a committee *formal* objection to a rule, the agency promulgating the rule shall respond in writing to the committee. After receipt of the response, the committee may withdraw or modify its objection.

~~(3)~~*(4)* Subject to 2-4-112, if the committee fails to withdraw or substantially modify its *formal* objection to a rule, it may vote to send the objection to the secretary of state, who shall, upon receipt of the objection, publish the objection in the register adjacent to any notice of adoption of the rule and in the ARM adjacent to the rule, provided an agency response must also be published if requested by the agency. Costs of publication of the objection and the agency response must be paid by the committee.

~~(4)~~*(5)* If ~~an~~ *a formal* objection to all or a portion of a rule has been published pursuant to subsection ~~(3)~~ *(4)*, the agency bears the burden, in any action challenging the legality of the rule or portion of a rule objected to by the committee, of proving that the rule or portion of the rule objected to was adopted in substantial compliance with 2-4-302, 2-4-303, and 2-4-305. If a rule is invalidated by court judgment because the agency failed to meet its burden of proof imposed by this subsection and the court finds that the rule was adopted in arbitrary and capricious disregard for the purposes of the authorizing statute, the court may award costs and reasonable attorney fees against the agency."

Section 9. Section 37-1-122, MCA, is amended to read:

"**37-1-122. Active supervision -- rebuttable presumption -- reconsideration.** (1) (a) Before making a determination approving or disapproving a board action subject to active supervision as provided in 37-1-121(1)(d), the commissioner of labor and industry shall:

(i) notify the affected board and the economic affairs interim committee in writing of the particular action identified for commissioner review;

(ii) give the board a timeframe of at least 30 days in which to provide the commissioner with written comments and materials justifying the proposed action; and

(iii) meet with the board or its representatives regarding the board action.

(b) The commissioner may require that the board provide the commissioner with other relevant information, including but not limited to comments, documents, or other material submitted to the board regarding the board action.

(c) The commissioner may approve a board action subject to active supervision under 37-1-121(1)(d) without the notice and opportunity for board comment required under subsection (1)(a) if the commissioner has sufficient information to act.

(2) (a) There is a rebuttable presumption that if a board has not received a written notice as provided in 37-1-121(1)(d) regarding a board action within 30 days, that the board action is presumed to be approved by the commissioner because the department has determined the board action will not unreasonably restrain or potentially unreasonably restrain competition in trade or commerce.

(b) At any time a board may request that the department or commissioner confirm in writing that a board action is not subject to active supervision under 37-1-121(1)(d) because the commissioner has determined that the board action will not unreasonably restrain or potentially unreasonably restrain competition in trade or commerce.

(3) If the commissioner determines that a board action is subject to active supervision procedures under 37-1-121(1)(d) and this section, the commissioner shall issue a written determination within 30 days after meeting with the board or its representatives as provided in subsection (1).

(4) (a) The board may request that the commissioner reconsider the determination. A request under this subsection (4) must be in writing, provide any additional supporting materials or arguments, and be received by the commissioner within 10 days after issuance of the commissioner's written determination.

(b) The commissioner may meet with the board or representatives of the board as part of the reconsideration process.

(c) The commissioner shall issue a written reconsideration decision within 10 days of receiving the written request for a reconsideration or within 10 days after meeting with the board or its representatives regarding the redetermination.

(5) This section may not be construed to mean that the commissioner's determination under 37-1-121(1)(d) or the process described in this section is a contested case proceeding as defined in 2-4-102.

(6) (a) After the economic affairs interim committee is notified of the commissioner's decision to issue a written determination or redetermination, the committee shall notify the commissioner if the committee plans to provide an opportunity for public comment on the commissioner's action at the next committee meeting.

(b) The commissioner shall notify the economic affairs interim committee of a final determination under this section. The committee shall follow the procedures in Title 2, chapter 4, if the committee decides to conduct a review. A final determination of the commissioner may be suspended ~~as provided in 2-4-305(9)~~ *by the committee* whether the determination is for a rule or for another board action."

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

Section 11. Coordination instruction. If both House Bill No. 126 and [this act] are passed and approved and if both contain a section that amends 2-4-302, then House Bill No. 126 is void and [section 1 of this act] must be amended as follows:

"**Section 1. Sponsor contact for administrative rulemaking -- sponsor comments -- request for economic impact statement.** (1) When an agency begins to work on the substantive content of a proposal notice for a rule that initially implements legislation, *and not less than 10 days in*

advance of a proposal notice, the agency shall contact the legislator who was the primary sponsor of the legislation. The primary sponsor must be contacted at the sponsor's legislative e-mail address. An agency has complied with the primary sponsor contact requirements of this section upon sending the e-mail meeting the requirements of this subsection. *If an agency fails to comply with the requirements of this subsection, then the proposal notice is ineffective.* The agency shall:

(a) inform the sponsor of known and expected dates in the rulemaking process;

(b) provide the sponsor a timeline to submit informal comments or to meet to discuss the rulemaking; and

(c) invite the sponsor's explanation of the legislation's intent.

(2) ~~If comments received from the sponsor are not incorporated into the rules proposed, the agency shall set forth the reasons for not incorporating the comments as part of the proposal notice.~~ *If the primary sponsor submits comments pursuant to subsection (1)(b) for an agency proposal and the agency disagrees with the primary sponsor, the agency shall publish the primary sponsor's unredacted comments in the proposal notice and provide a statement explaining why the sponsor's comments were not incorporated into the proposed rule.*

(3) The sponsor may request an economic impact statement be prepared pursuant to 2-4-405. The request must set forth the requirements of 2-4-405(2)(a) and an explanation of whether and how the economic burden of the proposed rulemaking can be mitigated while implementing the sponsor's legislation. The request must be directed to the appropriate administrative rule review committee, and the provisions of 2-4-405 apply.

(4) The sponsor is an interested person as set forth in 2-4-302 for purposes of rulemaking that initially implements legislation."

Section 12. Coordination instruction. If both House Bill No. 126 and [this act] are passed and approved and if both contain a section that amends 2-4-305, then House Bill No. 126 and [section 6 of this act], amending 2-4-305, are void and 2-4-305 must be amended as follows:

"**2-4-305. Requisites for validity -- authority and statement of reasons.** (1) (a) The agency shall fully consider written and oral submissions respecting the proposed rule~~, including comments submitted by the primary sponsor of the legislation prior to the drafting of the substantive content and wording of a proposed rule that initially implements legislation~~.

(b) (i) Upon adoption of a rule, an agency shall ~~issue a concise statement of the principle reasons for and against its adoption, incorporating in the statement~~ *fairly summarize and respond to the substance of comments received by the means set forth in the proposal notice and shall state* the reasons for overruling the considerations urged against ~~its~~ *the rule's* adoption. If substantial differences exist between the rule as proposed and as adopted and the differences have not been described or set forth in the adopted rule as that rule is published in the register, the differences must be described in the statement of reasons for and against agency action. When written or oral submissions have not been received, an agency may omit the statement of reasons.

(ii) If an adopted rule that initially implements legislation does not reflect the comments submitted by the primary sponsor *by the means set forth in the proposal notice*, the agency shall *publish the sponsor's unredacted comments in the adoption notice and* provide a statement explaining why the sponsor's comments were not incorporated into the adopted rule.

(2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language.

(3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that the rule purports to implement. A substantive rule may not be proposed or adopted unless:

(a) a statute granting the agency authority to adopt rules clearly and specifically lists the subject matter of the rule as a subject upon which the agency shall or may adopt rules; or

(b) the rule implements and relates to a subject matter or an agency function that is clearly and specifically included in a statute to which the grant of rulemaking authority extends.

(4) Each rule that is proposed and adopted by an agency and that implements a policy of a governing board or commission must include a citation to and description of the policy implemented. Each agency rule implementing a policy and the policy itself must be based on legal authority and otherwise comply with the requisites for validity of rules established by this chapter.

(5) To be effective, each substantive rule adopted must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.

(6) Whenever by the express or implied terms of any statute a state agency has authority to adopt rules to implement, interpret, make specific, or otherwise carry out the provisions of the statute, an adoption, amendment, or repeal of a rule is not valid or effective unless it is:

(a) consistent and not in conflict with the statute; and

(b) reasonably necessary to effectuate the purpose of the statute. A statute mandating that the agency adopt rules establishes the necessity for rules but does not, standing alone, constitute reasonable necessity for a rule. The agency shall also address the reasonableness component of the reasonable necessity requirement by, as indicated in 2-4-302(1) and subsection (1) of this section, stating the principal reasons and the rationale for its intended action and for the particular approach that it takes in complying with the mandate to adopt rules. Subject to the provisions of subsection (8), reasonable necessity must be clearly and thoroughly demonstrated for each adoption, amendment, or repeal of a rule in the agency's notice of proposed rulemaking and in the written and oral data, views, comments, or testimony submitted by the public or the agency and considered by the agency. A statement that merely explains what the rule provides is not a statement of the reasonable necessity for the rule.

(7) A rule is not valid unless notice of it is given and it is adopted in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section, unless notice of adoption of the rule is published within 6 months of the publishing of notice of the proposed rule, and unless the adoption is in compliance with the prohibitions of subsection ~~(11)~~ *(10)*. The measure of whether an agency has adopted a rule in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section is not whether the agency has provided notice of the proposed rule, standing alone, but rather must be based on an analysis of the agency's substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section. If an amended or supplemental notice of either proposed or final rulemaking, or both, is published concerning the same rule, the 6-month limit must be determined with reference to the latest notice in all cases.

(8) (a) An agency may use an amended proposal notice or the adoption notice to correct deficiencies in citations of authority for rules and in citations of sections implemented by rules.

(b) An agency may use an amended proposal notice but, except for clerical corrections, may not use the adoption notice to correct deficiencies in a statement of reasonable necessity.

(c) If an agency uses an amended proposal notice to amend a ~~statement of reasonable necessity~~ *proposal* for reasons other than for corrections in citations of authority, in citations of sections being implemented, or of a clerical nature, the agency shall allow additional time for oral or written comments from the same interested persons who were notified of the original proposal notice, including from a primary sponsor, if primary sponsor notification was required under ~~2-4-302~~ *[section 1]*, and from any other person who offered comments or appeared at a hearing already held on the proposed rule.

~~(9) Subject to 2-4-112, if a majority of the members of the appropriate admininstrive rule review committee notify the committee presiding officer that those members object to all or a portion of a notice of proposed rulemaking, the committee shall notify the agency in writing that the committee objects to all or a portion of the proposal notice and will address the objections at the next committee meeting. Following notice by the committee to the agency, all or a portion of the proposal notice that the committee objects to may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection. A copy of the committee's notification to the agency must be included in the committee's records.~~

~~(10)~~*(9)* This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704.

~~(11)~~*(10)* (a) In the year preceding the year in which the legislature meets in regular session, an agency may not adopt a rule between October 1 through the end of the year.

(b) This subsection ~~(11)~~ *(10)* does not apply to:

(i) an emergency rule adopted under 2-4-303;

(ii) subject to subsection ~~(11)(c)(i)~~ *(10)(c)(i)*, a rule adopted for implementation of a program or policy if the unavailability of information, guidance, or notice precluded adoption of the rule before October 1; or

(iii) subject to subsection ~~(11)(c)(ii)~~ *(10)(c)(ii)*, a rule adopted by providing the proposal notice and statement of reasoning with an opportunity to object to the appropriate administrative rule review committee.

(c) (i) A rule may only be exempted under subsection ~~(11)(b)(ii)~~ *(10)(b)(ii)* if the notice required under 2-4-302(1)~~(a)~~ provides a statement explaining why the unavailability of information, guidance, or notice precluded adoption of the rule before October 1.

(ii) A rule may be exempted under subsection ~~(11)(b)(iii)~~ *(10)(b)(iii)* only if the agency provides a copy of the proposal notice and an explanation of the reason why the rule must be adopted before the end of the year by electronic mail to each member of the committee and the committee staff. If the committee does not object to the proposal within 10 business days after the electronic mail of the proposal and explanation has been sent to the committee, the agency may proceed with adoption of the proposed rule. If, during the 10-day review period, a majority of the members notify the committee presiding officer that those members object to the proposed rulemaking, the presiding officer shall

notify the agency by electronic mail that the committee objects. Following notice of the objection, a rule may not be adopted before the end of the year."

Section 13. Effective date. [This act] is effective on passage and approval.

Section 14. Applicability. [This act] applies to rule proposals published on or after [the effective date of this act].

Approved May 13, 2025

CHAPTER NO. 696

[HB 599]

AN ACT REVISING PARENTAL RIGHTS REGARDING DATA COLLECTION FOR CHILDREN; PROVIDING OPT-OUT AND OPT-IN OPTIONS FOR PARENTS REGARDING EVALUATIONS, SURVEYS, AND DATA COLLECTION; REQUIRING THAT NOTIFICATIONS BE SENT TO PARENTS REGARDING ANY PHYSICAL AND MENTAL HEALTH SCREENINGS OR SURVEYS; AND AMENDING SECTION 40-6-701, MCA.

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

Section 1. Section 40-6-701, MCA, is amended to read:

"**40-6-701. Interference with fundamental parental rights restricted -- cause of action.** (1) A government entity may not interfere with the fundamental right of parents to direct the upbringing, education, health care, and mental health of their children unless the government entity demonstrates that the interference:

(a) furthers a compelling governmental interest; and

(b) is narrowly tailored and is the least restrictive means available for the furthering of the compelling governmental interest.

(2) All fundamental parental rights are exclusively reserved to the parent of a child without obstruction or interference by a government entity, including but not limited to the rights and responsibilities to do the following:

(a) direct the education of the child, including the right to choose public, private, religious, or home schools and the right to make reasonable choices with public schools for the education of the child;

(b) access and review all written and electronic education records relating to the child that are controlled by or in the possession of a school;

(c) direct the upbringing of the child;

(d) direct the moral or religious training of the child;

(e) make and consent to all physical and mental health care decisions for the child;

(f) access and review all health and medical records of the child;

(g) consent before a biometric scan of the child is made, shared, or stored;

(h) consent before a record of the child's blood or DNA is created, stored, or shared, unless authorized pursuant to a court order;

(i) consent before a government entity makes an audio or video recording of the child, unless the audio or video recording is made during or as part of:

(i) a court proceeding;

(ii) a law enforcement investigation;

(iii) a forensic interview in a criminal or child abuse and neglect investigation;

(iv) the security or surveillance of buildings, grounds, or transportation of students; or

(v) a photo identification card;

(j) be notified promptly if an employee of a government entity suspects that abuse, neglect, or a criminal offense has been committed against the child unless the parent is suspected to have caused the abuse;

(k) *except for information that is necessary and essential for establishing a student's education record or for a demographic survey to validate an achievement test used to gain admission to a postsecondary institution:*

(i) opt the child out of any personal analysis, evaluation, survey, or data collection by a school district that *does not require personally identifiable information; and* ~~would capture data for inclusion in the statewide data system except data that is necessary and essential for establishing a student's education record~~;

(ii) opt the child in to any personal analysis, evaluation, survey, or data collection by a school district that requires personally identifiable information;

(l) have the child excused from school attendance for religious purposes;

(m) participate in parent-teacher associations and school organizations that are sanctioned by the board of trustees of a school district; and

(n) be notified promptly if, and provide consent before, the child would share a room or sleeping quarters with an individual of the opposite sex on a school-sponsored trip. A child whose parent does not provide consent must be permitted to attend the trip and must be provided with reasonable accommodations that do not require the child to share a room or sleeping quarters with an individual of the opposite sex.

(3) A parent must be notified of the right to opt out of any physical and mental health surveys and screenings of their child. A parent must be notified of any issues or concerns resulting from a physical and mental health survey or screening of their child.

~~(3)~~*(4)* Except for law enforcement, an employee of a government entity may not encourage or coerce a child to withhold information from the child's parent and may not withhold from a child's parent information that is relevant to the physical, emotional, or mental health of a child.

~~(4)~~*(5)* This section may not be construed as invalidating the provisions of Title 41, chapter 3, or modifying the burden of proof at any stage of the proceedings under Title 41, chapter 3.

~~(5)~~*(6)* When a parent's fundamental rights protected by 40-6-702, 40-6-707, 41-1-402, 41-1-403, 41-1-405, and this section are violated, a parent may assert that violation as a claim or defense in an administrative or judicial proceeding and may obtain appropriate relief without regard to whether the proceeding is brought by or in the name of a government entity, a private person, or any other party. The prevailing party in an action filed pursuant to 40-6-702, 40-6-707, 41-1-402, 41-1-403, 41-1-405, and this section is entitled to reasonable attorney fees and costs.

~~(6)~~*(7)* As used in this section, the following definitions apply:

(a) "Child" means an individual under 18 years of age.

(b) "Education record" means attendance records, test scores of school-administered tests and statewide assessments, grades, school-sponsored or extracurricular activity or club participation, email accounts, online or virtual accounts or data, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information including any medical records maintained by a health clinic or medical facility operated or controlled by the school district or located on the district property, teacher and counselor evaluations, and reports of behavioral patterns.

(c) "Government entity" means the state, its political subdivisions, or any department, agency, commission, board, authority, institution, or office

of the state, including a municipality, county, consolidated municipal-county government, school district, or other special district.

(d) "Parent" means a biological parent of a child, an adoptive parent of a child, or an individual who has been granted the exclusive right and authority over the welfare of a child under state law.

(e) "Substantial burden" means an action that directly or indirectly constrains, inhibits, curtails, or denies the right of a parent to direct the upbringing, education, health care, and mental health of the parent's child. The term includes but is not limited to:

(i) withholding benefits;

(ii) assessing criminal, civil, or administrative penalties; or

(iii) exclusion from a government program."

Approved May 13, 2025

CHAPTER NO. 697

[HB 602]

AN ACT REQUIRING WRITTEN NOTICE TO THE SCHOOL DISTRICT BOARD OF TRUSTEES WHEN A DISTRICT ADMINISTRATOR PROPOSES TO NONRENEW A NONTENURE TEACHER FOR FINANCIAL REASONS; REQUIRING THE BOARD OF TRUSTEES TO PLACE THE NOTICE OF THE PROPOSAL TO NONRENEW ON THE AGENDA FOR A PUBLIC SCHOOL BOARD MEETING AND TO PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT; CLARIFYING THAT FINANCIAL REASONS ARE WITHOUT CAUSE; AMENDING SECTION 20-4-206, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Notice of nonrenewal of nontenure teacher for financial reasons -- notice and opportunity for comment required. (1) When a district administrator proposes to nonrenew a nontenure teacher for financial reasons, the trustees shall include the proposed nonrenewal for financial reasons on the agenda of a meeting on or before June 1.

(2) A proposed nonrenewal of a nontenure teacher under subsection (1) is an action of significant interest to the public within the meaning of 2-3-103.

(3) A nonrenewal of a nontenure teacher for financial reasons is a nonrenewal without cause as provided in 20-4-206.

(4) The provisions of this section do not override provisions negotiated and agreed to in a collective bargaining agreement executed by the district and the teacher's exclusive representative pursuant to Title 39, chapter 31.

Section 2. Section 20-4-206, MCA, is amended to read:

"**20-4-206. Notification of nontenure teacher reelection -- acceptance -- termination.** (1) The trustees shall provide written notice by June 1 to each nontenure teacher employed by the district regarding whether the nontenure teacher has been reelected for the ensuing school fiscal year. A teacher who does not receive written notice of reelection or termination is automatically reelected for the ensuing school fiscal year.

(2) A nontenure teacher who receives notification of reelection for the ensuing school fiscal year shall provide the trustees with written acceptance of the conditions of reelection within 20 days after the receipt of the notice of reelection. Failure to notify the trustees within 20 days constitutes conclusive evidence of the nontenure teacher's nonacceptance of the tendered position.

(3) Subject *only* to the June 1 notice requirements in this section, the trustees may nonrenew the employment of a nontenure teacher at the conclusion of the school fiscal year with or without cause.

(4) As used in [section 1] and this section, "without cause" includes financial reasons."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 4, part 2, and the provisions of Title 20, chapter 4, part 2, apply to [section 1].

Section 4. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 698

[HB 620]

AN ACT REVISING LAWS PROHIBITING CONTRACTS THAT RESTRICT PRACTICE TO INCLUDE LICENSED PHYSICIANS OF ALL SPECIALTIES; PROVIDING EXCEPTIONS; AMENDING SECTION 28-2-724, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Section 28-2-724, MCA, is amended to read:

"**28-2-724. Prohibition of contracts that restrict practice -- applicability -- exceptions.** (1) A contract that creates or establishes the terms of employment, a partnership, or any other form of professional relationship with a health care provider described in subsection (2), may not restrict the right of the health care provider to:

(a) practice or provide services for which the provider is licensed, in any geographic area and for any period, after the termination of the employment, partnership, or other form of professional relationship;

(b) treat, advise, consult with, or establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship; or

(c) solicit or seek to establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship.

(2) The requirements of subsection (1) apply to contracts or agreements involving the following health care providers:

(a) a ~~psychiatrist or addiction medicine~~ physician licensed under Title 37, chapter 3;

(b) a psychologist licensed under Title 37, chapter 17;

(c) a social worker licensed under Title 37, chapter 22;

(d) a professional counselor licensed under Title 37, chapter 23;

(e) an addiction counselor licensed under Title 37, chapter 35;

(f) a marriage and family therapist licensed under Title 37, chapter 37; and

(g) a behavioral health peer support specialist licensed under Title 37, chapter 38.

(3) This section does not apply to a contract in connection with the sale and purchase of a practice *or to a provision for repayment of all or a portion of money paid or advanced to a physician licensed under Title 37, chapter 3, that is subject to a payback provision that decreases over time, including but not limited to a bona fide loan, relocation cost, signing bonus, education expense, and tuition repayment expense*."

Section 2. Effective date. [This act] is effective January 1, 2026.

Section 3. Applicability. [This act] applies to contracts made or renewed on or after January 1, 2026.

Approved May 13, 2025

CHAPTER NO. 699

[HB 621]

AN ACT ALLOWING A LOCAL FIRST RESPONDER ENTITY TO ESTABLISH A PEER SUPPORT PROGRAM; PROVIDING FOR MINIMUM REQUIREMENTS OF A LOCAL FIRST RESPONDER PEER SUPPORT PROGRAM; AND PROHIBITING A QUALIFIED PEER SUPPORTER FROM TESTIFYING ABOUT THE CONTENT OF A PEER SUPPORT SESSION.

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

Section 1. Local first responder peer support programs. (1) A police department, sheriff's office, fire department, or emergency medical service provider may establish a first responder peer support program that is in compliance with the provisions of this section.

(2) A local first responder peer support program must have a written policy that outlines, at a minimum:

(a) qualifications for a peer supporter, including certification and continuing education requirements;

(b) guidelines for what constitutes a peer support session from a conversation between peers;

(c) definitions for a group debrief and peer support team;

(d) the prohibition of recording in writing or by video or audio any peer support session;

(e) how peer supporters in the program shall comply with the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d, et seq.;

(f) the ability of an employee to use multiple peer supporters;

(g) the protection of an employee from being forced to use a peer supporter who holds supervisory authority over the employee;

(h) the prohibition of harassment or discrimination against an employee or volunteer who seeks services from the peer support program; and

(i) confidentiality protections of the peer support program, including the following exceptions:

(i) if the employee has committed or plans to commit a crime;

(ii) if the employee indicates the employee will cause harm to themself or to others;

(iii) if there is a request from an appropriate licensing board; and

(iv) if the mandatory reporting requirements of licensing boards apply.

(3) A peer support session is confidential, and, except as provided in subsection (2)(i), a qualified peer supporter in a local first responder peer support program is prohibited from providing testimony about a peer support session, including individual and group peer support sessions.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 32, and the provisions of Title 7, chapter 32, apply to [section 1].

Section 3. Coordination instruction. If both Senate Bill No. 518 and [this act] are passed and approved, then the reference to "an appropriate licensing board" in [section 1(2)(i)(iii) of this act] must be changed to "an appropriate licensing board or program".

Section 4. Coordination instruction. If both Senate Bill No. 518 and [this act] are passed and approved, then the reference to "reporting requirements of licensing boards" in [section 1(2)(i)(iv)] must be changed to "reporting requirements of licensing boards or programs".

Approved May 13, 2025

CHAPTER NO. 700

[HB 623]

AN ACT ESTABLISHING LEGISLATIVE APPROVAL OF THE SITING OF SPENT NUCLEAR FUEL STORAGE FACILITIES PRODUCED BY A NUCLEAR POWER GENERATING FACILITY OPERATING WITHIN THE STATE; PROVIDING A DEFINITION; AMENDING SECTION 75-20-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Legislative approval of siting of spent nuclear fuel storage facilities -- conditions. (1) The legislature authorizes the siting of temporary spent nuclear fuel storage facilities within the state. A facility is authorized if:

(a) the facility is operated on the site of a nuclear power generating facility and stores spent nuclear fuel produced by a nuclear power generating facility operating within the state;

(b) the facility has received a state recommendation from the department of environmental quality, pursuant to 75-20-204; and

(c) the facility has received a license to construct and operate from the federal nuclear regulatory commission.

(2) For the purposes of this section, "spent nuclear fuel" means nuclear fuel that has been used in a reactor and is no longer able to produce enough energy to sustain a reaction.

Section 2. Section 75-20-204, MCA, is amended to read:

"**75-20-204. Facilities subject to federal energy regulatory commission jurisdiction *and nuclear regulatory commission*.** (1) For a facility that is subject to the jurisdiction of the federal energy regulatory commission *or the nuclear regulatory commission as authorized in [section 1]*, the department shall file a state recommendation with the commission.

(2) A person making application to the federal energy regulatory commission *or the nuclear regulatory commission as authorized in [section 1]* shall file with the department notice of and a copy of the federal application regarding any facility subject to subsection (1). The state recommendation must be based on its study of the federal application and other material gained through intervention in the federal proceeding.

(3) A person subject to the provisions of subsection (2) shall pay a fee to the department at the time that an application is filed with the federal energy regulatory commission *or the nuclear regulatory commission as authorized in [section 1]*. The fee must be used by the department to carry out its responsibilities to develop a state recommendation and participate as a party in any necessary federal proceeding to assert the state recommendation. The fee may not exceed one-half the amount that could be assessed under 75-20-215. A fee prescribed by 75-20-215 may not be assessed against a person paying a fee under this section.

(4) A person who fails to file a timely notice of and a copy of the federal application with the department, preventing the department from timely

compliance with this section and with the rules, statutes, or procedures governing the proceedings before the federal energy regulatory commission *or the nuclear regulatory commission as authorized in [section 1]*, is subject to the provisions of 75-20-408."

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

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 20, and the provisions of Title 75, chapter 20, apply to [section 1].

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 13, 2025

CHAPTER NO. 701

[HB 624]

AN ACT GENERALLY REVISING LAWS RELATED TO HOBBYIST APIARIES; PROVIDING FOR AN INCREASED NUMBER OF ALLOWED HIVE AND SITE REGISTRATIONS; AND AMENDING SECTION 80-6-114, MCA.

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

Section 1. Section 80-6-114, MCA, is amended to read:

"**80-6-114. Hobbyist apiary site -- registrations.** (1) The department may grant hobbyist apiary site registrations to hobbyist beekeepers under the following conditions:

(a) ~~The~~ *the* applicant may not own a total of more than ~~five~~ *10* hives, and all of the hives must be placed on the hobbyist apiary site~~.~~*;*

(b) ~~The~~ *the* applicant ~~must~~ *shall* own the bees and the hives and ~~must~~ *shall* personally manage and operate the bees and the hives~~.~~*; and*

(c) ~~Only one~~ *only five* hobbyist apiary site ~~registration is~~ *registrations are* allowed for an applicant and only ~~two~~ *five* hobbyist apiary site registrations are allowed for a family unit.

(2) A certificate of registration of a hobbyist apiary site may not be leased, assigned, or transferred. A person, other than the hobbyist apiary site registrant, may not exercise any rights or privileges, directly or indirectly, authorized by the certificate of registration."

Approved May 13, 2025

CHAPTER NO. 702

[HB 626]

AN ACT REVISING LAWS RELATED TO DRIVING UNDER THE INFLUENCE; REVISING SENTENCING WHEN A PERSON HAS A PENDING OR SUBSEQUENT OFFENSE WHILE AWAITING SENTENCING ON A PRESENT OFFENSE; AND AMENDING SECTION 61-8-1011, MCA.

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

Section 1. Section 61-8-1011, MCA, is amended to read:

"**61-8-1011. Driving under influence -- ~~conviction~~ *conviction* defined -- place of imprisonment -- home arrest -- exceptions -- deferral**

of sentence not allowed. (1) (a) For the purpose of determining the number of convictions for prior offenses referred to in 61-8-1001, 61-8-1002, 61-8-1007, and 61-8-1008, ~~"conviction"~~ *"conviction"* means:

(i) a final conviction, as defined in 45-2-101, in this state, in another state, or on a federally recognized Indian reservation;

(ii) a forfeiture, which has not been vacated, of bail or collateral deposited to secure the defendant's appearance in court in this state, in another state, or on a federally recognized Indian reservation; or

(iii) a conviction*, or a pending or subsequent offense if the pending or subsequent offense results in a conviction prior to sentencing for the present offense,* for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, or a violation of a similar statute or regulation in another state or on a federally recognized Indian reservation.

(b) An offender is considered to have been previously convicted for the purposes of sentencing if less than 10 years have elapsed between the commission of the present offense and ~~a~~ *a* previous ~~conviction~~ *conviction* unless the offense is the offender's third or subsequent offense, in which case all previous ~~convictions~~ *convictions* must be used for sentencing purposes.

(c) A previous ~~conviction~~ *conviction* for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, or a violation of a similar statute or regulation in another state or on a federally recognized Indian reservation, and as otherwise defined in subsection (1)(a) may be counted for the purposes of determining the number of a subsequent ~~conviction~~ *conviction* for a violation of driving under the influence under 61-8-1002.

(d) A previous conviction for a violation of 45-5-104 for which the offense under 45-5-104 occurred while the person was operating a vehicle in violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and a previous conviction for a violation of 45-5-205 or 45-5-628(1)(e) may also be counted for the purposes of determining the number of a subsequent conviction for a violation of driving under the influence under 61-8-1002.

(2) Except as provided in 61-8-1008, the court may order that a term of imprisonment imposed under 61-8-1007 or 61-8-1008 be served in another facility made available by the county and approved by the sentencing court. The defendant, if financially able, shall bear the expense of the imprisonment in the facility. The court may impose restrictions on the defendant's ability to leave the premises of the facility and may require that the defendant follow the rules of the facility. The facility may be, but is not required to be, a community-based prerelease center as provided for in 53-1-203. The prerelease center may accept or reject a defendant referred by the sentencing court.

(3) Subject to the limitations set forth in 61-8-1007 concerning minimum periods of imprisonment, the court may order that a term of imprisonment imposed under 61-8-1007 be served by imprisonment under home arrest, as provided in Title 46, chapter 18, part 10.

(4) A court may not defer imposition of sentence under 61-8-1007 or 61-8-1008.

(5) The provisions of 61-2-107, 61-5-205(2), and 61-5-208(2), relating to suspension of driver's licenses and later reinstatement of driving privileges, apply to any conviction under 61-8-1007 for a violation of 61-8-1002."

Approved May 13, 2025

CHAPTER NO. 703

[HB 633]

AN ACT REVISING CERTAIN STRIP AND UNDERGROUND MINE APPLICATION AND PERMIT PROVISIONS; REVISING CUMULATIVE HYDROLOGIC IMPACT ASSESSMENT REQUIREMENTS; REVISING CONTESTED CASE HEARING PROCEDURES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-206 AND 82-4-231, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 82-4-206, MCA, is amended to read:

"**82-4-206. Procedure for contested case hearings.** (1) An applicant, permittee, or person with an interest that is or may be adversely affected *and who submitted comments or written objections during the relevant comment period for an application pursuant to subsections (1)(a) through (1)(e),* may request a hearing before the board on any of the following decisions of the department by submitting a written request stating the reason for the request within 30 days after the department's decision:

(a) approval or denial of an application for a permit pursuant to 82-4-231;

(b) approval or denial of an application for a prospecting permit pursuant to 82-4-226;

(c) approval or denial of an application to increase or reduce a permit area pursuant to 82-4-225;

(d) approval or denial of an application to renew or revise a permit pursuant to 82-4-221; or

(e) approval or denial of an application to transfer a permit pursuant to 82-4-238 or 82-4-250.

(2) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under subsection (1)."

Section 2. Section 82-4-231, MCA, is amended to read:

"**82-4-231. Submission of and action on reclamation plan.** (1) As rapidly, completely, and effectively as the most modern technology and the most advanced state of the art will allow, each operator granted a permit under this part shall reclaim and revegetate the land affected by the operation, except that underground tunnels, shafts, or other subsurface excavations need not be revegetated. Under the provisions of this part and rules adopted by the department, an operator shall prepare and carry out a method of operation, a plan of grading, backfilling, highwall reduction, subsidence stabilization, water control, and topsoiling and a reclamation plan for the area of land affected by the operation. In developing a method of operation and plans of grading, backfilling, highwall reduction, subsidence stabilization, water control, topsoiling, and reclamation, all measures must be taken to eliminate damages to landowners and members of the public, their real and personal property, public roads, streams, and all other public property from soil erosion, subsidence, landslides, water pollution, and hazards dangerous to life and property.

(2) The reclamation plan must set forth in detail the manner in which the applicant intends to comply with 82-4-232 through 82-4-234 and this section and the steps to be taken to comply with applicable air and water quality laws and rules and any applicable health and safety standards.

(3) The application for a permit or major revision of a permit, which must contain the reclamation plan, must be submitted to the department.

(4) The department shall determine whether the application is administratively complete. An application is administratively complete if it contains information addressing each application requirement in 82-4-222 and the rules implementing that section and all information necessary to initiate processing and public review. The department shall notify the applicant in writing of its determination no later than 90 days after submittal of the application. If the department determines that the application is not administratively complete, it shall specify in the notice those items that the application must address. The application is presumed administratively complete as to those requirements not specified in the notice.

(5) If the department determines that an environmental impact statement on the application is required, it shall notify the applicant in writing at the same time it gives the applicant notice pursuant to subsection (4).

(6) After the applicant receives notice that the application is administratively complete, the applicant shall publish notice of filing of the application once a week for 4 consecutive weeks in a newspaper of general circulation in the locality of the proposed operation. The department shall notify various local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the proposed mining will take place of the application and provide a reasonable time for them to submit written comments. Any person having an interest that is or may be adversely affected or the officer or head of any federal, state, or local governmental agency or authority may file written objections to the proposed initial or revised application for permit or major revision within 30 days of the applicant's published notice. If written objections are filed and an objector requests an informal conference, the department shall hold an informal conference in the locality of the proposed operation within 30 days of receipt of the request. The department shall notify the applicant and all parties to the informal conference of its decision and the reasons for its decision within 60 days of the informal conference. The department may arrange with the applicant upon request by any party to the administrative proceeding for access to the proposed mining area for the purpose of gathering information relevant to the proceeding.

(7) The filing of written objections or a request for an informal conference may not preclude the department from proceeding with its review of the application as specified in subsection (8).

(8) (a) The department shall review each administratively complete application and determine the acceptability of the application. During the review, the department may propose modifications to the application or delete areas from the application in accordance with the requirements of 82-4-227. A complete application is considered acceptable when the application is in compliance with all of the applicable requirements of this part and the regulatory program pursuant to this part.

(b) If the applicant significantly modifies the application after the application has been determined administratively complete in accordance with subsection (4), the department shall under this section either deny the application or conduct a new review, including an administrative completeness determination, public notice, and objection period.

(c) If an environmental impact statement is determined to be necessary prior to making a permit decision, the department shall complete and publish the final environmental impact statement at least 15 days prior to the date of issuance of the written findings pursuant to subsection (8)(f).

(d) Except as provided in 75-1-205(4) and 75-1-208(4)(b), within 120 days after it determines that an application is administratively complete, the department shall notify the applicant in writing whether the application is or is not acceptable. If the application is not acceptable, the department shall set forth the reasons why it is not acceptable, and it may propose modifications, delete areas, or reject the entire application. All items not specified as unacceptable in the department's notification are presumed to be acceptable. Except as provided in 75-1-208(4)(b), if the applicant revises the application in response to a notice of unacceptability, the department shall review the revised application and notify the applicant in writing within 120 days of the date of receipt whether the revised application is acceptable. If the revision constitutes a significant modification under subsection (8)(b), the department shall conduct a new review, beginning with an administrative completeness determination.

(e) When the application is determined to be acceptable, the department shall publish notice of its determination once a week for 2 consecutive weeks in a newspaper of general circulation in the locality of the proposed operation. *If the department required a cumulative hydrologic impact assessment to meet the requirements of this part, the department shall publish a draft of that assessment and the department's determination.* Any person having an interest that is or may be adversely affected *by the determination or the cumulative hydrologic impact assessment* may file a written objection to the determination within 10 days of the department's last published notice. If a written objection is filed and an objector requests an informal conference, the department shall hold an informal conference in the locality of the proposed operation within 20 days of receipt of the request. The department shall notify the applicant and all parties to the informal conference of its decision and the reasons for the decision within 10 days of the informal conference.

(f) Except as provided in 75-1-205(4) and 75-1-208(4)(b), the department shall prepare written findings granting or denying the permit or major revision application in whole or in part not later than ~~45~~ *60* days from the date the application is determined acceptable. However, if lands subject to the federal lands program are included in the application for permit or major revision, the department shall prepare and submit written findings to the federal regulatory authority. If the department's decision is to grant the permit, the department shall issue the permit on the date of its written finding or, if any federal concurrence is necessary, on the date when the concurrence is obtained. If the application is denied, specific reasons for the denial must be set forth in the written notification to the applicant.

(g) If the department fails to act within the times specified in this subsection (8), it shall immediately notify the board in writing of its failure to comply and the reasons for the failure to comply.

(9) The applicant, *the permittee,* a landowner, or any person with an interest that is or may be adversely affected by the department's permit decision *and who submitted a written objection pursuant to subsection (8)* may within 30 days of ~~that~~ *the department's* decision submit a written notice requesting a hearing. The notice must contain the grounds upon which the requester contends that the decision is in error *and must be limited to the issues raised in written objections and issues in the department's decision not addressed by the department in its notice of determination published pursuant to subsection*

(8)(e). The hearing must be started within 30 days of the request. For purposes of a hearing, the board or its hearings officer may order site inspections of the area pertinent to the application. The board shall within 20 days of the hearing notify the person who requested the hearing, by certified mail, and all other persons, by regular mail, of the findings and decisions. A person who presided at the informal conference may not preside at the hearing or participate in the decision.

(10) In addition to the method of operation, grading, backfilling, highwall reduction, subsidence stabilization, water control, topsoiling, and reclamation requirements of this part and rules adopted under this part, the operator, consistent with the directives of subsection (1), shall:

(a) bury under adequate fill all toxic materials, shale, mineral, or any other material determined by the department to be acid-producing, toxic, undesirable, or creating a hazard;

(b) as directed by rules, seal off tunnels, shafts, or other openings or any breakthrough of water creating a hazard;

(c) impound, drain, or treat all runoff or underground mine waters so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;

(d) remove or bury all metal, lumber, and other refuse resulting from the operation;

(e) use explosives in connection with the operation only in accordance with department regulations designed to minimize noise, damage to adjacent lands, and water pollution and ensure public safety and for other purposes;

(f) adopt measures to prevent land subsidence unless the department approves a plan for inducing subsidence into an abandoned operation in a predictable and controlled manner, with measures for grading, topsoiling, and revegetating the subsided land surface. In order for a controlled subsidence plan to be approved, the applicant is required to show that subsidence will not cause a direct or indirect hazard to any public or private buildings, roads, facilities, or use areas, constitute a hazard to human life or health or to domestic livestock or a viable agricultural operation, or violate any other restrictions the department may consider necessary.

(g) stockpile and protect from erosion all mining and processing wastes until these wastes can be disposed of according to the provisions of this part;

(h) deposit as much stockpiled waste material as possible back into the mine voids upon abandonment in a manner that will prevent or minimize land subsidence. The remaining waste material must be disposed of as provided by this part and the rules of the department.

(i) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine workings when no longer needed;

(j) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values and achieve enhancement of those resources when practicable;

(k) minimize the disturbances to the prevailing hydrologic balance at the mine site and in adjacent areas and to the quality and quantity of water in surface water and ground water systems both during and after strip- or underground-coal-mining operations and during reclamation by:

(i) avoiding acid or other toxic mine drainage by measures including but not limited to:

(A) preventing or removing water from contact with toxic-producing deposits;

(B) treating drainage to reduce toxic content that adversely affects downstream water upon being released to watercourses;

(C) casing, sealing, or otherwise managing boreholes, shafts, and wells and keeping acid or other toxic drainage from entering ground and surface waters;

(ii) (A) conducting strip- or underground-mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, but the contributions may not be in excess of requirements set by applicable state or federal law;

(B) constructing any siltation structures pursuant to subsection (10)(k)(ii)(A) prior to commencement of strip- or underground-mining operations, with the structures to be certified by a qualified registered engineer and to be constructed as designed and as approved in the reclamation plan;

(iii) cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized and depositing the silt and debris at a site and in a manner approved by the department;

(iv) restoring recharge capacity of the mined area to approximate premining conditions;

(v) avoiding channel deepening or enlargement in operations that requires the discharge of water from mines;

(vi) preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country;

(vii) designing and constructing reclaimed channels of intermittent streams and perennial streams to ensure long-term stability; and

(viii) any other actions that the department may prescribe;

(l) conduct strip- or underground-mine operations in accordance with the approved coal conservation plan;

(m) stabilize and protect all surface areas, including spoil piles, to effectively control air pollution;

(n) seal all auger holes with an impervious and noncombustible material in order to prevent drainage except when the department determines that the resulting impoundment of water in the auger holes may create a hazard to the environment or the public health and safety;

(o) develop contingency plans to prevent sustained combustion;

(p) refrain from construction of roads or other access ways up a streambed or drainage channel or in proximity to the channel so as to seriously alter the normal flow of water;

(q) meet other criteria that are necessary to achieve reclamation in accordance with the purposes of this part, taking into consideration the physical, climatological, and other characteristics of the site;

(r) with regard to underground mines, eliminate fire hazards and otherwise eliminate conditions that constitute a hazard to health and safety of the public;

(s) locate openings for all new drift mines working acid-producing or iron-producing coal seams in a manner that prevents a gravity discharge of water from the mine.

(11) An operator may not throw, dump, pile, or permit the throwing, dumping, or piling or otherwise placing of any overburden, stones, rocks, mineral, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land that is under permit and for which a bond has been posted under 82-4-223 or place the materials described in this section in a way that normal erosion or slides brought about by natural physical causes will permit the materials to go

beyond or outside of that area of land. An operator shall conduct the strip- or underground-mining operation in a manner that protects areas outside the permit area."

Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 4. Severability. If a portion of [this act] is invalid, all valid portions that are severable from the invalid part remain in effect. If a portion of [this act] is invalid in one or more of its applications, the portion remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Contingent voidness. (1) If any provision of [this act] is disapproved by the United States secretary of the interior pursuant to 30 CFR 732, then that portion of [this act] is void.

(2) Within 15 days of the effective date of the disapproval under subsection (1), the department of environmental quality shall notify the code commissioner, certifying that the disapproval under subsection (1) has occurred.

Section 6. Effective date. [This act] is effective on passage and approval.

Approved May 13, 2025

CHAPTER NO. 704

[HB 641]

AN ACT REPEALING THE LEWIS AND CLARK BICENTENNIAL LICENSE PLATE PROGRAM; REMOVING THE DEPARTMENT OF COMMERCE LEWIS AND CLARK BICENTENNIAL ACCOUNT; AMENDING SECTION 17-7-502, MCA; REPEALING SECTIONS 2-15-151 AND 90-1-115, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116;

22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909~~; 90-1-115~~; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 2. Repealer. The following sections of the Montana Code Annotated are repealed:

2-15-151. Lewis and Clark bicentennial license plates -- authorization to apply as sponsor -- use of proceeds.

90-1-115 Department of commerce Lewis and Clark bicentennial account -- Montana historical society Lewis and Clark bicentennial account.

NEW SECTION. **Section 3. Effective date.** [This act] is effective December 31, 2025.

Approved May 13, 2025

CHAPTER NO. 705

[HB 667]

AN ACT REVISING LAWS RELATED TO EMPLOYERS WHOSE EMPLOYEES SEEK, ARE APPOINTED TO, OR ARE ELECTED TO A PUBLIC OFFICE; PROHIBITING EMPLOYERS FROM RESTRICTING EMPLOYEES FROM SEEKING ELECTION OR APPOINTMENT TO PUBLIC OFFICE; PROHIBITING AN EMPLOYER FROM RESTRICTING CERTAIN EMPLOYEES WHO SERVE DURING A MANDATORY LEAVE OF ABSENCE FOR PUBLIC OFFICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Employer requirements -- employees -- public office. (1) In addition to the requirements in 39-2-104, an employer may not prohibit or restrict an employee from seeking election or appointment to a city, county, or state public office or retaliate or discriminate against an employee for seeking election or appointment to a city, county, or state public office.

(2) During an employee's leave of absence while serving as an elected officer or while appointed to a public office under 39-2-104, the employer may not require an employee:

(a) to use leave or benefits during the mandatory leave of absence without the consent of the employee; or

(b) to perform work during the mandatory leave of absence.

(3) If the employer provides a company phone, computer, or phone number and the employer allows the employee's personal use of the company phone, computer, or phone number, the employer may not prohibit the employee's use of the phone, computer, or phone number during the leave of absence provided in 39-2-104.

(4) If the employer provides health care benefits to the employee, the employer shall continue offering the employee health care benefits with the same covered benefits and covered persons, as those terms are defined in 33-32-102, during the leave of absence provided for in 39-2-104.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 39, chapter 2, part 1, and the provisions of Title 39, chapter 2, part 1, apply to [section 1].

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

Section 4. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to all occurrences on or after January 1, 2025.

Approved May 13, 2025

CHAPTER NO. 706

[HB 669]

AN ACT REVISING LAWS REGARDING EDUCATIONAL PROGRAMS FOR ELIGIBLE CHILDREN RECEIVING IN-STATE INPATIENT TREATMENT OF SERIOUS EMOTIONAL DISTURBANCES; CLARIFYING THE TUITION CALCULATIONS FOR CERTAIN ELIGIBLE CHILDREN; CLARIFYING THE RULEMAKING AUTHORITY PROVIDED TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING SECTIONS 20-7-419 AND 20-7-435, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 20-7-419, MCA, is amended to read:

"**20-7-419. Rules.** The superintendent of public instruction shall adopt rules for the implementation of 20-7-420, 20-7-421, 20-7-422, 20-7-435, and 20-7-436, including but not limited to:

(1) the calculation of tuition under 20-7-420;

(2) the *various methods for the* calculation and distribution of funds under *the different circumstances provided in* 20-7-435; and

(3) the determination of responsibilities of children's psychiatric hospitals, residential treatment facilities, therapeutic group homes, and public schools pursuant to 20-7-435."

Section 2. Section 20-7-435, MCA, is amended to read:

"**20-7-435. Funding of educational programs for eligible children receiving in-state inpatient treatment of serious emotional disturbances.** (1) It is the intent of the legislature that eligible children receiving inpatient treatment of a serious emotional disturbance at in-state qualifying facilities be provided with an appropriate educational opportunity in a cost-effective manner. The legislature further intends that in-state qualifying facilities prioritize treatment of Montana residents over residents of other states.

(2) The superintendent of public instruction may contract with a qualifying facility for provision of an educational program for an eligible child in the qualifying facility. The contract between the superintendent of public instruction and a qualifying facility must include a provision requiring the qualifying facility to provide educational data and regular reports about the academic status and academic progress being made by each eligible child at a qualifying facility.

(3) (a) Whenever the superintendent of public instruction contracts with a qualifying facility for provision of an educational program for an eligible child, the superintendent of public instruction shall establish a daily rate per eligible child for each qualifying facility that reflects actual documented costs of providing an appropriate educational opportunity at that facility and that excludes the cost of services that are eligible for reimbursement under any provision of state or federal law or an insurance policy.

(b) For each eligible child and from appropriations provided for the purposes of this section, the superintendent of public instruction shall pay the qualifying facility the daily rate under subsection (3)(a) minus the amount paid under subsection (3)(c).

(c) For each eligible child, the eligible child's school district of residence shall pay the qualifying facility a daily rate of 40% of the tuition per-ANB amount as defined in 20-5-323 divided by 180 in a manner prescribed by the superintendent of public instruction. The district of residence shall finance the

tuition amount from the levy authorized to support the district tuition fund or from the district's general fund or any other legally available fund in the discretion of the trustees.

(d) An eligible child whose appropriate educational opportunity is provided under subsection (5)(a) or (5)(b) may not receive funding under this subsection (3).

(e) In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the superintendent of public instruction shall include a request for funding this section based on the daily rate for each facility as determined under subsection (3)(a). If the money appropriated for the payments to qualifying facilities under this section is not sufficient, the superintendent of public instruction shall request the state budget director to submit a request for a supplemental appropriation in the second year of the biennium that is sufficient to complete the funding of the payments.

(4) A supplemental education fee or tuition, beyond those authorized under this section, may not be charged for an eligible child who receives an education under contract with an in-state children's psychiatric hospital or residential treatment facility under subsection (3) or as provided under subsection (5).

(5) If a qualifying facility fails to provide an appropriate educational opportunity for an eligible child at the facility or fails to negotiate a contract under the provisions of subsection (2), the superintendent of public instruction shall, from appropriations provided for the purposes of this section, choose either of the following two options:

(a) provide for an appropriate educational opportunity for the eligible child utilizing qualified specialists who are employees of the office of public instruction or under contract with the office of public instruction for the purposes of this section. The eligible child's district of residence shall reimburse the office of public instruction at the daily rate established in subsection (3)(c). The district of residence may finance the reimbursement from the levy authorized to support the district tuition fund.

(b) negotiate with the school district in which the qualifying facility is located for the supervision and implementation of an appropriate educational opportunity for eligible children attending the facility. The amount to be paid to the district of attendance by the office of public instruction and the amount to be paid by the eligible child's district of residence are determined *in the same manner* as provided in 20-5-323 and 20-5-324 for out-of-district attendance agreements approved under 20-5-321(1)(d) and (1)(e).

(6) Funds provided to a district under this section, including funds received under the provisions of 20-7-420:

(a) must be deposited in the miscellaneous programs fund of the district that provides the education program for an eligible child, regardless of the age or grade placement of the child who is served under a negotiated contract; and

(b) are not subject to the budget limitations in 20-9-308.

~~(7) The superintendent of public instruction may distribute funds appropriated for contracts with in-state children's psychiatric hospitals or residential treatment facilities under subsection (2) to public school districts for the purpose of supporting educational programs for children with significant behavioral or physical needs.~~

~~(8)~~*(7)* The superintendent of public instruction shall report to the education interim budget committee and the education interim committee in accordance with 5-11-210 no later than September 30 of even-numbered years on the implementation of this section and an analysis that supports each daily rate. The report must include:

(a) the daily rate calculated for each qualifying facility as described in subsection (3)(a); and

(b) an evaluation of education programs at qualifying facilities funded under this section."

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 707

[HB 680]

AN ACT GENERALLY REVISING TRADE AND COMMERCE LAWS; REVISING CONTRACT TERM LIMITS FOR THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; AMENDING SECTION 22-3-1003, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 22-3-1003, MCA, is amended to read:

"**22-3-1003. Powers of commission -- contracts -- rules.** (1) (a) The Montana heritage preservation and development commission may contract with private organizations to assist in carrying out the purpose of 22-3-1001. The term of a contract may not exceed 20 years.

(b) The provisions of Title 18 may not be construed as prohibiting contracts under this section from being let by direct negotiation. The contracts may be entered into directly with a vendor and are not subject to state procurement laws.

(c) Architectural and engineering review and approval do not apply to the historic renovation projects or projects at historic sites unless stated in specific state appropriations for construction permitted under the commission's jurisdiction.

(d) The contracts must provide for the payment of prevailing wages.

(e) A contract for supplies or services, or both, may be negotiated in accordance with commission rules.

(f) Management activities must be undertaken to encourage the operation of properties in a manner that results in economic stability.

(g) Contracts may include the lease of property managed by the commission. Provisions for the renewal of a contract must be contained in the contract.

(2) The contract term limit specified in subsection (1)(a) does not apply to a commercial lease with private organizations that invest substantial capital in property managed by the commission. The contract term limit pursuant to this subsection (2) may be for a period not to exceed 99 years.

~~(2)~~*(3)* (a) Except as provided in subsection ~~(2)~~*(3)*(b), the commission may not contract for the construction of a building, as defined in 18-2-101, in excess of $300,000 without the consent of the legislature. Building construction must be in conformity with applicable guidelines developed by the national park service of the U.S. department of the interior, the Montana historical society, and the Montana department of fish, wildlife, and parks. Funding for these projects must pass through directly to the commission.

(b) The commission may contract for the preservation, stabilization, or maintenance of existing structures or buildings for an amount that exceeds $300,000 without legislative consent if the commission determines that waiting for legislative consent would cause unnecessary damage to the structures or

buildings or would result in a significant increase in cost to conduct those activities in the future.

~~(3)~~*(4)* (a) Subject to subsection ~~(3)~~*(4)*(b), the commission, as part of a contract, shall require that a portion of any profit be reinvested in the property and that a portion be used to pay the administrative costs of the property and the commission.

(b) The commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the general fund.

~~(4)~~*(5)* The commission may solicit funds from other sources, including the federal government, for the management and operation of properties.

~~(5)~~*(6)* (a) The commission may use volunteers to further the purposes of this part.

(b) The commission and volunteers stand in the relationship of employer and employee for purposes of and as those terms are defined in Title 39, chapter 71. The commission shall provide each volunteer with workers' compensation coverage, as provided in Title 39, chapter 71, during the course of the volunteer's assistance.

~~(6)~~*(7)* Volunteers are not salaried employees and are not entitled to wages and benefits. The commission may, in its discretion, reimburse volunteers for their otherwise uncompensated out-of-pocket expenses, including but not limited to their expenditures for transportation, food, and lodging.

~~(7)~~*(8)* The commission shall establish a subcommittee composed of an equal number of members of the Montana historical society board of trustees and commission members to review and recommend the sale of personal property from the former Bovey assets acquired by the 55th legislature. A recommendation to sell may be presented to the commission only if the recommendation is supported by a majority of the members of the subcommittee.

~~(8)~~*(9)* The commission shall adopt rules establishing a policy for making acquisitions and sales of real and personal property. With respect to each acquisition or sale, the policy must give consideration to:

(a) whether the property represents the state's culture and history;

(b) whether the property can become economically stable;

(c) whether the property can contribute to the economic and social enrichment of the state;

(d) whether the property lends itself to programs to interpret Montana history;

(e) whether the acquisition or sale will create significant social and economic impacts to affected local governments and the state;

(f) whether the sale is supported by the director of the Montana historical society;

(g) whether the commission should include any preservation covenants in a proposed sale agreement for real property;

(h) whether the commission should incorporate any design review ordinances established by Virginia City into a proposed sale agreement for real property; and

(i) other matters that the commission considers necessary or appropriate.

~~(9)~~*(10)* Except as provided in subsection ~~(11)~~ *(12)*, the proceeds of any sale under subsection ~~(8)~~ *(9)* must be placed in the account established in 22-3-1004.

~~(10)~~*(11)* Public notice and the opportunity for a hearing must be given in the geographical area of a proposed acquisition or sale of real property before a final decision to acquire or sell the property is made. The commission shall approve proposals for acquisition or sale of real property and recommend the approved proposal to the board of land commissioners.

~~(11)~~*(12)* The commission, working with the board of investments, may establish trust funds to benefit historic properties. Interest from any trust fund established under this subsection must be used to preserve and manage assets owned by the commission.

~~(12)~~*(13)* Prior to the convening of each regular session, the commission shall report to the governor and the legislature, as provided in 5-11-210, concerning financial activities during the prior biennium, including the acquisition or sale of any assets."

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

Approved May 13, 2025

CHAPTER NO. 708

[HB 681]

AN ACT REVISING LAWS RELATED TO LOCAL AND STATE REGULATION OF SUBDIVISIONS AND DETERMINATIONS OF WATER AVAILABILITY; REVISING SUBDIVISION REVIEW CRITERIA INVOLVING THE AVAILABILITY OF WATER; CLARIFYING THE DEFINITION OF WATER RIGHT; REVISING PROCESSES FOR ISSUANCE OF A CERTIFICATE OF WATER RIGHT FOR AN APPROPRIATION OF GROUNDWATER THAT IS EXEMPT FROM PERMITTING REQUIREMENTS; AMENDING SECTIONS 76-3-501, 76-3-604, 76-3-608, 76-3-622, 76-4-104, 85-2-102, AND 85-2-306, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Section 76-3-501, MCA, is amended to read:

"**76-3-501. Local subdivision regulations.** (1) The governing body of every county, city, and town shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for:

(a) the orderly development of their jurisdictional areas;

(b) the coordination of roads within subdivided land with other roads, both existing and planned;

(c) the dedication of land for roadways and for public utility easements;

(d) the improvement of roads;

(e) the provision of adequate open spaces for travel, light, air, and recreation;

(f) the provision of adequate transportation, water, and drainage;

(g) subject to the provisions of 76-3-511, the regulation of sanitary facilities;

(h) the avoidance or minimization of congestion; and

(i) the avoidance of subdivisions that would involve unnecessary environmental degradation and danger of injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and wildland fire, or the lack of water, drainage, access, transportation, or other public services or that would necessitate an excessive expenditure of public funds for the supply of the services.

(2) Any action that is not specifically prohibited in the conditions of subdivision approval is specifically allowed or is otherwise subject to additional restrictions that may be provided in the governing documents of the subdivision and applicable zoning regulations.

(3) If a local government has historically interpreted and enforced or chosen not to enforce a condition of subdivision approval to the benefit of a parcel

owner, the local government may not undertake a different interpretation or enforcement action against a similarly situated parcel owner in the same subdivision.

(4) A review and decision made by a governing body under the authority of this chapter:

(a) relates specifically and only to the criteria for review and authority provided in this chapter; and

(b) is not constrained, influenced, or restricted by a decision made by a state agency or entity acting under other lawful authority."

Section 2. Section 76-3-604, MCA, is amended to read:

"**76-3-604. Review of subdivision application -- review for required elements and sufficiency of information.** (1) (a) A subdivision application is considered to be received on the date of delivery to the reviewing agent or agency and when accompanied by the review fee submitted as provided in 76-3-602.

(b) Within 5 working days of receipt of a subdivision application, the reviewing agent or agency shall determine whether the application contains all of the listed materials as required by 76-3-504(1)(a) and shall notify the subdivider or, with the subdivider's written permission, the subdivider's agent of the reviewing agent's or agency's determination. If the reviewing agent or agency determines that elements are missing from the application, the reviewing agent or agency shall identify those elements in the notification.

(2) (a) Within 15 working days after the reviewing agent or agency notifies the subdivider or the subdivider's agent that the application contains all of the required elements as provided in subsection (1), the reviewing agent or agency shall determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for the review of the proposed subdivision under the provisions of this chapter and the local regulations adopted pursuant to this chapter and shall notify the subdivider or, with the subdivider's written permission, the subdivider's agent of the reviewing agent's or agency's determination.

(b) If the reviewing agent or agency determines that information in the application is not sufficient to allow for review of the proposed subdivision, the reviewing agent or agency shall identify the insufficient information in its notification.

(c) A determination that an application contains sufficient information for review as provided in this subsection (2) does not ensure that the proposed subdivision will be approved or conditionally approved by the governing body and does not limit the ability of the reviewing agent or agency or the governing body to request additional information during the review process.

(3) The time limits provided in subsections (1) and (2) apply to each submittal of the application until:

(a) a determination is made that the application contains the required elements and sufficient information; and

(b) the subdivider or the subdivider's agent is notified.

(4) After the reviewing agent or agency has notified the subdivider or the subdivider's agent that an application contains sufficient information as provided in subsection (2), the governing body shall approve, conditionally approve, or deny the proposed subdivision within 60 working days or 80 working days if the proposed subdivision contains 50 or more lots, based on its determination of whether the application conforms to the provisions of this chapter and to the local regulations adopted pursuant to this chapter, unless:

(a) the subdivider and the reviewing agent or agency agree to an extension or suspension of the review period, not to exceed 1 year; or

(b) a subsequent public hearing is scheduled and held as provided in 76-3-615.

(5) (a) If the governing body fails to comply with the time limits under subsection (4), the governing body shall pay to the subdivider a financial penalty of $50 per lot per month or a pro rata portion of a month, not to exceed the total amount of the subdivision review fee collected by the governing body for the subdivision application, until the governing body denies, approves, or conditionally approves the subdivision.

(b) The provisions of subsection (5)(a) do not apply if the review period is extended or suspended pursuant to subsection (4).

(6) If the governing body denies or conditionally approves the proposed subdivision, it shall send the subdivider a letter, with the appropriate signature, that complies with the provisions of 76-3-620.

(7) (a) The governing body shall collect public comment submitted at a hearing or hearings regarding the information presented pursuant to 76-3-622 and shall make any comments submitted or a summary of the comments submitted available to the subdivider within 30 days after conditional approval or approval of the subdivision application and preliminary plat.

(b) The subdivider shall, as part of the subdivider's application for sanitation approval, forward the comments or the summary provided by the governing body to the:

(i) reviewing authority provided for in Title 76, chapter 4, for subdivisions that will create one or more parcels containing less than 20 acres; and

(ii) local health department or board of health for proposed subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres.

(8) (a) For a proposed subdivision that will create one or more parcels containing less than 20 acres, the governing body may require approval by the department of environmental quality as a condition of approval of the final plat.

(b) For a proposed subdivision that will create one or more parcels containing 20 acres or more, the governing body may condition approval of the final plat upon the subdivider demonstrating, pursuant to 76-3-622, that there is an adequate water source and at least one area for a septic system and a replacement drainfield for each lot.

(c) Except for lots served by a hauled water cistern, an adequate municipal facility, or an adequate county water and/or sewer district facility, as defined in 76-4-102, or that are determined to not need water, a determination may be made that an application for a proposed subdivision contains the required elements and sufficient information for review if the applicant demonstrates that each lot has:

(i) a water right under Title 85, chapter 2;

(ii) a completed technical analysis for a permit or change application under Title 85, chapter 2; or

(iii) a notice of intent to appropriate groundwater authorized by the department of natural resources and conservation pursuant to 85-2-306.

(9) (a) Review and approval, conditional approval, or denial of a proposed subdivision under this chapter may occur only under those regulations in effect at the time a subdivision application is determined to contain sufficient information for review as provided in subsection (2).

(b) If regulations change during the review periods provided in subsections (1) and (2), the determination of whether the application contains the required elements and sufficient information must be based on the new regulations.

(10) Unless otherwise provided by law, the governing body may review but does not have approval authority of the governing documents of the subdivision or amendments to the governing documents unless the governing documents directly and materially impact a condition of subdivision approval."

Section 3. Section 76-3-608, MCA, is amended to read:

"**76-3-608. Criteria for local government review.** (1) The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145.

(2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.

(3) A subdivision proposal must undergo review for the following primary criteria:

(a) except when the governing body has established an exemption pursuant to subsection (6) or except as provided in 76-3-509, 76-3-609(2) or (4), or 76-3-616, the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils;

(b) compliance with:

(i) the survey requirements provided for in part 4 of this chapter;

(ii) the local subdivision regulations provided for in part 5 of this chapter; and

(iii) the local subdivision review procedure provided for in this part;

(c) the provision of easements within and to the proposed subdivision for the location and installation of any planned utilities; and

(d) the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.

(4) The governing body may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through the review required under subsection (3) but may not require a set-aside of land or monetary contribution for the loss of agricultural soils. Pursuant to 76-3-620, the governing body shall issue written findings to justify the reasonable mitigation required under this subsection (4).

(5) (a) In reviewing a proposed subdivision under subsection (3) and when requiring mitigation under subsection (4), a governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the impacts of a proposed development may be deemed unmitigable and will preclude approval of the subdivision.

(b) When requiring mitigation under subsection (4) and consistent with 76-3-620, a governing body shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

(6) *(a)* A governing body may conditionally approve or deny a proposed subdivision as a result of the water and sanitation information provided pursuant to 76-3-622 or public comment received pursuant to 76-3-604 on the information provided pursuant to 76-3-622 only if the conditional approval or

denial is based on existing subdivision, zoning, or other regulations that the governing body has the authority to enforce.

(b) Except for proposed subdivisions served by a hauled water cistern, an adequate municipal facility, or an adequate county water and/or sewer district facility, as defined in 76-4-102, or that are determined to not need water, a governing body may require as a condition of subdivision approval that an applicant obtain approval from the department of natural resources and conservation to appropriate water pursuant to Title 85, chapter 2.

(7) A governing body may not require as a condition of subdivision approval that a property owner waive a right to protest the creation of a special improvement district or a rural improvement district for capital improvement projects that does not identify the specific capital improvements for which protest is being waived. A waiver of a right to protest may not be valid for a time period longer than 20 years after the date that the final subdivision plat is filed with the county clerk and recorder.

(8) A governing body may not approve a proposed subdivision if any of the features and improvements of the subdivision encroach onto adjoining private property in a manner that is not otherwise provided for under chapter 4 or this chapter or if the well isolation zone of any proposed well to be drilled for the proposed subdivision encroaches onto adjoining private property unless the owner of the private property authorizes the encroachment. For the purposes of this section, "well isolation zone" has the meaning provided in 76-4-102.

(9) If a federal or state governmental entity submits a written or oral comment or an opinion regarding wildlife, wildlife habitat, or the natural environment relating to a subdivision application for the purpose of assisting a governing body's review, the comment or opinion may be included in the governing body's written statement under 76-3-620 only if the comment or opinion provides scientific information or a published study that supports the comment or opinion. A governmental entity that is or has been involved in an effort to acquire or assist others in acquiring an interest in the real property identified in the subdivision application shall disclose that the entity has been involved in that effort prior to submitting a comment, an opinion, or information as provided in this subsection.

(10) Findings of fact by the governing body concerning whether the development of the proposed subdivision meets the requirements of this chapter must be based on the record as a whole. The governing body's findings of fact must be sustained unless they are arbitrary, capricious, or unlawful."

Section 4. Section 76-3-622, MCA, is amended to read:

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

(a) a vicinity map or plan that shows:

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

(A) flood plains;

(B) surface water features;

(C) springs;

(D) irrigation ditches;

(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems, except that the subdivider may locate a water well anywhere on a lot, parcel, or tract of record

if the subdivider maintains the minimum setback distances adopted in rule by the department of environmental quality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) except for lots served by a hauled water cistern, an adequate municipal facility, or an adequate county water and/or sewer district facility, as defined in 76-4-102, or that are determined to not need water, evidence that each lot has:

(i) a water right under Title 85, chapter 2;

(ii) a completed technical analysis for a permit or change application under Title 85, chapter 2; or

(iii) a notice of intent to appropriate groundwater authorized by the department of natural resources and conservation pursuant to 85-2-306.

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

~~(g)~~*(h)* a preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted

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

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

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

Section 5. Section 76-4-104, MCA, is amended to read:

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

(2) The rules and standards must provide the basis for approving subdivisions for various types of public and private water supplies, sewage disposal facilities, storm water drainage ways, and solid waste disposal. The rules and standards must be related to:

(a) size of lots;

(b) contour of land;

(c) porosity of soil;

(d) ground water level;

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

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

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

(3) The storm drainage review requirements of this chapter do not apply to divisions or parcels of land that are exempt from review under 76-3-207(1)(a), (1)(d), (1)(e), or (1)(f) that:

(a) are used for a single-family residential purpose; and

(b) include no more than 25% that is impervious.

(4) (a) Except as provided in subsection (4)(b), the rules must provide for the review of subdivisions consistent with 76-4-114 by a local department or board of health, as described in Title 50, chapter 2, part 1, if the local department or board of health employs a registered sanitarian or a registered professional engineer and if the department certifies under subsection (5) that the local department or board is competent to conduct the review.

(b) (i) Except as provided in 75-6-121 and subsection (4)(b)(ii) of this section, a local department or board of health may not review public water supply systems, public sewage systems, or extensions of or connections to these systems.

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

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

(b) On or before December 31, 2023, the department shall develop procedures for certification of prequalified independent reviewers and develop a training curriculum to ensure compliance with this part.

(6) The department shall review those subdivisions described in subsection (4) if:

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

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

(7) The rules must further provide for:

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

(i) total development area; and

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

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

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

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

(e) standards and technical procedures applicable to storm drainage plans and related designs, in order to ensure proper drainage ways, except that the rules must provide a basis for not requiring storm water review under this part for parcels 5 acres and larger on which the total impervious area does not and will not exceed 5%. Nothing in this section relieves any person of the duty to comply with the requirements of Title 75, chapter 5, or rules adopted pursuant to Title 75, chapter 5.

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

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

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

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

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

(ii) This subsection (7)(i) does not apply to the divisions provided for in 76-3-207 except those under 76-3-207(1)(b). Nothing in this section is intended to prohibit the extension, construction, or reconstruction of or other improvements to a public sewage system within a well isolation zone that extends onto land that is dedicated for use as a right-of-way for roads, railroads, or utilities.

(j) criteria for granting waivers and deviations from the standards and technical procedures adopted under subsections (7)(e) through (7)(i);

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

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

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

(n) construction details for individual and shared onsite wastewater systems to be reviewed by the local board of health at the time of septic permitting, except that the reviewing authority may require additional construction detail if the wastewater is not residential strength;

(o) simplified methods for storm water reviews, including acceptable minimum storm water volumes based solely on impervious area for proposed lots with one or two single-family residences; and

(p) a basis for exempting from review facilities previously approved under this chapter or by a local reviewing authority of the facility is not proposed to be changed, is not affected by a proposed change to another facility, and meets the design conditions of its existing approval under this chapter or by the local authority and is operating properly. Existing systems must meet the current setbacks established in rule and subsection (7)(i), unless the lot was created before the relevant effective dates for mixing zones and isolation zones.

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

(9) The department shall:

(a) conduct a biennial review of experimental wastewater system components that have been granted a waiver or deviation as provided in subsection (7)(j);

(b) utilize relevant analysis of wastewater system components approved in other states and data from peer-reviewed third-party studies to conduct the review provided in subsection (9)(a);

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

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

(10) Review and certification or denial of certification that a division of land is not subject to sanitary restrictions under this part may occur only under those rules in effect when a complete application is submitted to the reviewing authority, except that in cases in which current rules would preclude the use for which the lot was originally intended, the applicable requirements in effect

at the time the lot was recorded must be applied. In the absence of specific requirements, minimum standards necessary to protect public health and water quality apply.

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

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

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

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

(12) (a) Subject to subsection (12)(b), the department may adopt rules that provide technical details and clarification regarding the water and sanitation information required to be submitted under 76-3-622.

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

(13) (a) The rules must provide for the review of subdivisions consistent with 76-4-114 by an independent reviewer if the department certifies under subsection (5) of this section that the independent reviewer is competent to conduct the review.

(b) (i) Except as provided in subsection (13)(b)(ii), an independent reviewer may not review public water supply systems, public sewage systems, or extensions of or connections to these systems.

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

(c) If 110 or more new files are submitted to the department for review in any 1 month, the department shall assign applications received in that month to independent reviewers unless an independent reviewer is not available.

(d) The department shall reimburse independent reviewers at the same rate the department reimburses local departments or local boards of health certified under subsection (4).

(14) Prior to being assigned an application for review, an independent reviewer shall identify any conflict of interest related to the project under potential review. If the independent reviewer identifies a conflict of interest, the application for review must be assigned to a different independent reviewer.

(15) An independent reviewer acting under the requirements of this chapter shall comply with the provisions of Title 2, chapter 6, for public information requests.

(16) An independent reviewer conducting reviews under this section shall complete documents necessary to complete the review and to comply with:

(a) the Montana Environmental Policy Act provided for in Title 75, chapter 1, parts 1 through 3; and

(b) real property takings requirements in accordance with Title 70."

Section 6. Section 85-2-102, MCA, is amended to read:

"**85-2-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Appropriate" or "appropriation" means:

(a) to divert, impound, or withdraw, including by stock for stock water, a quantity of water for a beneficial use;

(b) in the case of a public agency, to reserve water in accordance with 85-2-316;

(c) in the case of the department of fish, wildlife, and parks, to change an appropriation right to instream flow to protect, maintain, or enhance streamflows to benefit the fishery resource in accordance with 85-2-436;

(d) in the case of the United States department of agriculture, forest service:

(i) instream flows and in situ use of water created in 85-20-1401, Article V; or

(ii) to change an appropriation right to divert or withdraw water under subsection (1)(a) to instream flow to protect, maintain, or enhance streamflows in accordance with 85-2-320;

(e) temporary changes or leases for instream flow to maintain or enhance instream flow to benefit the fishery resource in accordance with 85-2-408;

(f) a use of water for aquifer recharge or mitigation; or

(g) a use of water for an aquifer storage and recovery project as provided in 85-2-368.

(2) "Appropriation right" has the same meaning as "water right" as defined in this section.

(3) "Aquifer recharge" means either the controlled subsurface addition of water directly to the aquifer or controlled application of water to the ground surface for the purpose of replenishing the aquifer to offset adverse effects resulting from net depletion of surface water.

(4) "Aquifer storage and recovery project" means a project involving the use of an aquifer to temporarily store water through various means, including but not limited to injection, surface spreading and infiltration, drain fields, or another department-approved method. The stored water may be either pumped from the injection well or other wells for beneficial use or allowed to naturally drain away for a beneficial use.

(5) "Beneficial use", unless otherwise provided, means:

(a) a use of water for the benefit of the appropriator, other persons, or the public, including but not limited to agricultural, stock water, domestic, fish and wildlife, industrial, irrigation, mining, municipal, power, and recreational uses;

(b) a use of water appropriated by the department for the state water leasing program under 85-2-141 and of water leased under a valid lease issued by the department under 85-2-141;

(c) a use of water by the department of fish, wildlife, and parks through a change in an appropriation right for instream flow to protect, maintain, or enhance streamflows to benefit the fishery resource authorized under 85-2-436;

(d) a use of water through a temporary change in appropriation right or lease to enhance instream flow to benefit the fishery resource in accordance with 85-2-408;

(e) a use of water for aquifer recharge or mitigation; or

(f) a use of water for an aquifer storage and recovery project as provided in 85-2-368.

(6) "Certificate" means a certificate of water right issued by the department.

(7) (a) "Change in appropriation right" means a change in the place of diversion, the place of use, the purpose of use, or the place of storage.

(b) The term does not include a change in water use related to the method of irrigation.

(8) "Commission" means the fish and wildlife commission provided for in 2-15-3402.

(9) "Correct and complete" means that the information required to be submitted conforms to the standard of substantial credible information and

that all of the necessary parts of the form requiring the information have been filled in with the required information for the department to begin evaluating the information.

(10) "Declaration" means the declaration of an existing right filed with the department under section 8, Chapter 452, Laws of 1973.

(11) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(12) "Developed spring" means any point where ground water emerges naturally, that has subsequently been physically altered, and from which ground water flows under natural pressures or is artificially withdrawn.

(13) "Existing right" or "existing water right" means a right to the use of water that would be protected under the law as it existed prior to July 1, 1973. The term includes federal non-Indian and Indian reserved water rights created under federal law and water rights created under state law.

(14) "Ground water" means any water that is beneath the ground surface.

(15) "Late claim" means a claim to an existing right forfeited pursuant to the conclusive presumption of abandonment under 85-2-226.

(16) "Mitigation" means the reallocation of surface water or ground water through a change in appropriation right or other means that does not result in surface water being introduced into an aquifer through aquifer recharge to offset adverse effects resulting from net depletion of surface water.

(17) "Municipality" means an incorporated city or town organized and incorporated under Title 7, chapter 2.

(18) (a) "National forest system lands" means all lands within Montana that are owned by the United States and administered by the secretary of agriculture through the forest service.

(b) The term does not include any lands within the exterior boundaries of national forest system units that are not owned by the United States and administered by the secretary of agriculture through the forest service.

(19) "Nonconsumptive use" means a beneficial use of water that does not cause a reduction in the source of supply and in which substantially all of the water returns without delay to the source of supply, causing little or no disruption in stream conditions.

(20) "Permit" means the permit to appropriate issued by the department under 85-2-301 through 85-2-303 and 85-2-306 through 85-2-314.

(21) "Person" means an individual, association, partnership, corporation, state agency, political subdivision, the United States or any agency of the United States, or any other entity.

(22) (a) "Political subdivision" means any county, incorporated city or town, public corporation, or district created pursuant to state law or other public body of the state empowered to appropriate water.

(b) The term does not mean a private corporation, association, or group.

(23) "Salvage" means to make water available for beneficial use from an existing valid appropriation through application of water-saving methods.

(24) "State water reservation" means a water right created under state law after July 1, 1973, that reserves water for existing or future beneficial uses or that maintains a minimum flow, level, or quality of water throughout the year or at periods or for defined lengths of time.

(25) "Stream depletion zone" means an area where hydrogeologic modeling concludes that as a result of a ground water withdrawal, the surface water would be depleted by a rate equal to at least 30% of the ground water withdrawn within 30 days after the first day a well or developed spring is pumped at a rate of 35 gallons a minute.

(26) "Substantial credible information" means probable, believable facts sufficient to support a reasonable legal theory upon which the department should proceed with the action requested by the person providing the information.

(27) "Waste" means the unreasonable loss of water through the design or negligent operation of an appropriation or water distribution facility or the application of water to anything but a beneficial use.

(28) "Water" means all water of the state, surface and subsurface, regardless of its character or manner of occurrence, including but not limited to geothermal water, diffuse surface water, and sewage effluent.

(29) "Water division" means a drainage basin as defined in 3-7-102.

(30) "Water judge" means a judge as provided for in Title 3, chapter 7.

(31) "Water master" means a master as provided for in Title 3, chapter 7.

(32) *(a)* "Water right" means the right to appropriate water pursuant to an existing right, a permit, a certificate of water right, a state water reservation, or a compact.

(b) The term does not include an authorized notice of intent to appropriate groundwater pursuant to 85-2-306.

(33) "Watercourse" means any naturally occurring stream or river from which water is diverted for beneficial uses. It does not include ditches, culverts, or other constructed waterways.

(34) "Well" means any artificial opening or excavation in the ground, however made, by which ground water is sought or can be obtained or through which it flows under natural pressures or is artificially withdrawn."

Section 7. Section 85-2-306, MCA, is amended to read:

"**85-2-306. Exceptions to permit requirements.** (1) (a) Except as provided in subsection (1)(b), ground water may be appropriated only by a person who has a possessory interest in the property where the water is to be put to beneficial use and exclusive property rights in the ground water development works.

(b) If another person has rights in the ground water development works, water may be appropriated with the written consent of the person with those property rights or, if the ground water development works are on national forest system lands, with any prior written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water under the certificate.

(c) If the person does not have a possessory interest in the real property from which the ground water may be appropriated, the person shall provide to the owner of the real property written notification of the works and the person's intent to appropriate ground water from the works. The written notification must be provided to the landowner at least 30 days prior to constructing any associated works or, if no new or expanded works are proposed, 30 days prior to appropriating the water. The written notification under this subsection is a notice requirement only and does not create an easement in or over the real property where the ground water development works are located.

(2) Inside the boundaries of a controlled ground water area, ground water may be appropriated only:

(a) according to a permit received pursuant to 85-2-508; or

(b) according to the requirements of a rule promulgated pursuant to 85-2-506.

(3) (a) Outside the boundaries of a controlled ground water area, a permit is not required before appropriating ground water by means of a well or developed spring:

(i) when the appropriation is made by a local governmental fire agency organized under Title 7, chapter 33, and the appropriation is used only for emergency fire protection, emergency fire training, and emergency fire-related operations, which may include enclosed storage;

(ii) when a maximum appropriation of 350 gallons a minute or less is used in nonconsumptive geothermal heating or cooling exchange applications, all of the water extracted is returned without delay to the same source aquifer, and the distance between the extraction well and both the nearest existing well and the hydraulically connected surface waters is more than twice the distance between the extraction well and the injection well;

(iii) when the appropriation is outside a stream depletion zone, is 35 gallons a minute or less, and does not exceed 10 acre-feet a year, except that a combined appropriation from the same source by two or more wells or developed springs exceeding 10 acre-feet, regardless of the flow rate, requires a permit; ~~or~~ *or*

(iv) when the appropriation is within a stream depletion zone, is 20 gallons a minute or less, and does not exceed 2 acre-feet a year, except that a combined appropriation from the same source by two or more wells or developed springs exceeding this limitation requires a permit.

(b) (i) Before appropriating groundwater by means of a well or developed spring pursuant to subsection (3)(a)(iii) or (3)(a)(iv), a person shall file with the department, on a form provided by the department, a correct and complete notice of intent to appropriate groundwater.

(ii) The department shall notify the person of any defects in the notice of intent to appropriate groundwater within 10 business days.

(iii) A notice of intent to appropriate groundwater that is not corrected and completed within 60 days of a notice of defects is terminated.

(iv) Within 10 business days of determining that a notice of intent to appropriate groundwater is correct and complete, the department shall review the notice for compliance with subsection (3)(a) and shall authorize or deny the notice of intent to appropriate groundwater. If the department denies the notice of intent to appropriate groundwater, the department shall include the reasons for the denial.

(v) Unless extended by the department, an appropriation under subsection (3) must be completed within 5 years from the date the notice of intent to appropriate groundwater is authorized. One extension may be granted by the department for up to 5 additional years. The request for an extension must be filed on a form provided by the department and must demonstrate that progress has been made toward putting the water to beneficial use.

~~(b)~~*(c)* (i) Within 60 days of completion of the well or developed spring and appropriation of the ground water for beneficial use, the appropriator shall file a notice of completion with the department on a form provided by the department through its offices.

(ii) Water use by a public water supply system subject to Title 75, chapter 6, part 1, is considered perfected and the appropriation of water for beneficial use complete when construction of the public water supply system is finished, at which time a notice of completion may be filed and must include a copy of the approval of the public water supply system by the department of environmental quality. All water use by a public water supply system pursuant to subsection (3)(a)(iii) or (3)(a)(iv) must be measured using a totalizing metering device, and measurements must be reported annually on a form prescribed by the department. Noncompliance with metering and reporting requirements may result in a fine determined by the department.

~~(ii)~~*(iii)* ~~Upon~~ *On* receipt of the notice *of completion*, the department shall review the notice and may, before issuing a certificate of water right, return

a defective notice for correction or completion, together with the reasons for returning it. *A correct and complete notice of completion for an appropriation under subsection (3)(a)(iii) or (3)(a)(iv) must establish that the appropriation was completed in substantial accordance with the notice of intent to appropriate groundwater authorized by the department under subsection (3)(b).* A notice does not lose priority of filing because of defects if the notice is corrected, completed, and refiled with the department within ~~30~~ *60* days of notification of defects ~~or within a further time as the department may allow, not to exceed 6 months.~~

~~(iii)~~*(iv)* If a notice is not corrected and completed within the time allowed, ~~the priority date of appropriation is the date of refiling a correct and complete notice with~~ the department *authorization expires and a new notice of intent to appropriate groundwater is required to use water under subsection (3)(a)(iii) or (3)(a)(iv).*

~~(c)~~*(d)* A certificate of water right may not be issued until a correct and complete notice has been filed with the department, including proof of landowner notification or a written federal special use authorization as necessary under subsection (1). The original of the certificate must be sent to the appropriator *and a duplicate must be maintained in the department's centralized database*. ~~The department shall keep a copy of the certificate in its office in Helena.~~ The date of filing of the notice of completion is the date of priority of the right.

~~(d) (i) Construction of a water supply system subject to Title 75, chapter 6, part 1, and use of a permit exception for the appropriation of water pursuant to this section is proof of beneficial use.~~

~~(ii) The department shall allocate a volume of 10 acre-feet a year to the system and issue a certificate of water right after the conditions in subsection (3)(d)(i) are met.~~

~~(iii) The department shall consider a water right as perfected after the conditions in subsection (3)(d)(i) are met.~~

~~(iv) When the appropriation is for a water supply system that is subject to Title 75, chapter 6, part 1, and is located outside of a stream depletion zone and does not exceed 10 acre-feet a year:~~

~~(A) For the purposes of subsection (3)(b)(i), the appropriation will be considered perfected upon completion of construction of the water supply system.~~

~~(B) A copy of the department of environmental quality approval for the water supply system must be submitted with the notice of completion. This section does not preclude the public water supply developer or any subsequent owners from expanding the water system or from revising the water use restrictions within the subdivision, provided that the total amount does not exceed 10 acre-feet per year.~~

~~(C) Water appropriated under this exception must be measured and reported annually to the department.~~

(4) An appropriator of ground water by means of a well or developed spring first put to beneficial use between January 1, 1962, and July 1, 1973, who did not file a notice of completion, as required by laws in force prior to April 14, 1981, with the county clerk and recorder shall file a notice of completion, as provided in subsection (3), with the department to perfect the water right. The filing of a claim pursuant to 85-2-221 is sufficient notice of completion under this subsection. The priority date of the appropriation is the date of the filing of a notice, as provided in subsection (3), or the date of the filing of the claim of existing water right.

(5) An appropriation under subsection (4) is an existing right, and a permit is not required. However, the department shall acknowledge the receipt

of a correct and complete filing of a notice of completion, except that for an appropriation of 35 gallons a minute or less, not to exceed 10 acre-feet a year, the department shall issue a certificate of water right. If a certificate is issued under this section, a certificate need not be issued under the adjudication proceedings provided for in 85-2-236.

(6) A permit is not required before constructing an impoundment or pit and appropriating water for use by livestock if:

(a) the maximum capacity of the impoundment or pit is less than 15 acre-feet;

(b) the appropriation is less than 30 acre-feet a year;

(c) the appropriation is from an ephemeral stream, an intermittent stream, or another source other than a perennial flowing stream; and

(d) the impoundment or pit is to be constructed on and will be accessible to a parcel of land that is owned or under the control of the applicant and that is 40 acres or larger.

(7) (a) Within 60 days after constructing an impoundment or pit, the appropriator shall apply for a permit as prescribed by this part. Subject to subsection (7)(b), upon receipt of a correct and complete application for a stock water provisional permit, the department shall automatically issue a provisional permit. If the department determines after a hearing that the rights of other appropriators have been or will be adversely affected, it may revoke the permit or require the permittee to modify the impoundment or pit and may then make the permit subject to terms, conditions, restrictions, or limitations that it considers necessary to protect the rights of other appropriators.

(b) If the impoundment or pit is on national forest system lands, an application is not correct and complete under this section until the applicant has submitted proof of any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water under the permit.

(8) A person may also appropriate water without applying for or prior to receiving a permit under rules adopted by the department under 85-2-113.

(9) Pursuant to 85-20-1902, the provisions of this section do not apply within the exterior boundaries of the Flathead Indian reservation."

Section 8. Effective date. [This act] is effective January 1, 2026.

Section 9. Applicability. [This act] applies to subdivisions that are reviewed pursuant to Title 76, chapter 3, on or after [the effective date of this act].

Approved May 13, 2025

CHAPTER NO. 709

[HB 682]

AN ACT GENERALLY REVISING LAWS RELATED TO GENDER TRANSITION TREATMENT; PROVIDING A STATUTE OF LIMITATIONS FOR TORT ACTIONS INVOLVING GENDER TRANSITION TREATMENT ON MINORS; PROVIDING FOR RECIPROCAL COVERAGE OF DETRANSITION TREATMENT IN PRIVATE INSURANCE AND PUBLIC EMPLOYEE AND MONTANA UNIVERSITY SYSTEM INSURANCE PLANS; PROVIDING THAT DETRANSITION TREATMENT BE INCLUDED AS A SERVICE UNDER MEDICAID AND HEALTHY MONTANA KIDS IN CERTAIN SITUATIONS; AMENDING SECTIONS 2-18-704, 27-2-204, 27-2-205, 33-31-111, 33-35-306, 53-4-1005, AND 53-6-101, MCA; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Tort actions -- gender transition treatment for minors. (1) An action brought by a person for damages for injuries suffered from gender transition treatment the person received as a minor must be commenced by the date the person reaches 25 years of age or within 2 years from the time of discovery by the person of both the injury and the causal relationship between the gender transition treatment and the injury, whichever occurs later, except that an action may not be commenced after the person reaches 30 years of age.

(2) For the purposes of this section, "gender transition treatment" means the following medical treatments provided:

(a) to a female minor to address the minor's perception that her gender or sex is not female:

(i) surgical procedures, including a vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular protheses, subcutaneous mastectomy, voice surgery, and pectoral implants;

(ii) supraphysiologic doses of testosterone or other androgens; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female minors; and

(b) to a male minor to address the minor's perception that his gender or sex is not male:

(i) surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation mammoplasty, facial feminization surgery, voice surgery, thyroid cartilage reduction, and gluteal augmentation;

(ii) supraphysiologic doses of estrogen; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of testosterone to delay or suppress pubertal development in male minors.

Section 2. Reciprocity in gender transition treatment coverage required. (1) A group or individual insurance policy that includes coverage for gender transition treatment or subsequent treatment directly related to the provision of gender transition treatment must also include coverage for detransition treatment under equivalent cost-sharing policies.

(2) If the group or individual insurance policy ceases coverage for gender transition treatment, the policy is not required to provide equivalent coverage for detransition treatment, except that the policy must provide equivalent coverage to insureds who were enrolled when gender transition treatment coverage was provided and received benefits under that coverage.

(3) For the purposes of this section "gender transition treatment" means the following medical treatments provided:

(a) to a female to address her perception that her gender or sex is not female:

(i) surgical procedures, including a vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular protheses, subcutaneous mastectomy, voice surgery, and pectoral implants;

(ii) supraphysiologic doses of testosterone or other androgens; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female minors; and

(b) to a male to address his perception that his gender or sex is not male:

(i) surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation mammoplasty, facial feminization surgery, voice surgery, thyroid cartilage reduction, and gluteal augmentation;

(ii) supraphysiologic doses of estrogen; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of testosterone to delay or suppress pubertal development in male minors.

Section 3. Section 2-18-704, MCA, is amended to read:

"**2-18-704. Mandatory provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for:

(a) treatment of inborn errors of metabolism, as provided for in 33-22-131;

(b) therapies for Down syndrome, as provided in 33-22-139;

(c) treatment for children with hearing loss as provided in 33-22-128(1) and (2);

(d) fertility preservation services as required under 33-22-2103;

(e) the care and treatment of mental illness in accordance with the provisions of Title 33, chapter 22, part 7;

(f) telehealth services, as provided for in 33-22-138; and

(g) refills of prescription eyedrops as provided in 33-22-154.

(8) (a) An insurance contract or plan issued under this part that provides coverage for an individual in a member's family must provide coverage for well-child care for children from the moment of birth through 7 years of

age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the contract or plan.

(b) Coverage for well-child care under subsection (8)(a) must include:

(i) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule for immunization recommended by the advisory committee on immunization practices of the U.S. department of health and human services.

(c) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit as provided for in this subsection (8).

(d) For purposes of this subsection (8):

(i) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics; and

(ii) "well-child care" means the services described in subsection (8)(b) and delivered by a physician or a health care professional supervised by a physician.

(9) Upon renewal, an insurance contract or plan issued under this part under which coverage of a dependent terminates at a specified age must continue to provide coverage for any dependent, as defined in the insurance contract or plan, until the dependent reaches 26 years of age. For insurance contracts or plans issued under this part, the premium charged for the additional coverage of a dependent, as defined in the insurance contract or plan, may be required to be paid by the insured and not by the employer.

(10) Prior to issuance of an insurance contract or plan under this part, written informational materials describing the contract's or plan's cancer screening coverages must be provided to a prospective group or plan member.

(11) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for hospital inpatient care for a period of time as is determined by the attending physician and, in the case of a health maintenance organization, the primary care physician, in consultation with the patient to be medically necessary following a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

(12) (a) (i) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for medically necessary and prescribed outpatient self-management training and education for the treatment of diabetes. Any education must be provided by a licensed health care professional with expertise in diabetes. At a minimum, the benefit must consist of:

(A) 20 visits of training and education in diabetes self-management provided in either an individual or group setting if the person has not received the training and education previously; and

(B) 12 visits of followup diabetes self-management training and education services in subsequent years for an insured who has previously received and exhausted the initial 20 visits of education.

(ii) For the purposes of this subsection (12)(a), the term "visit" refers to a period of 30 minutes.

(b) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for diabetic equipment and supplies that at a minimum includes insulin, syringes, injection aids, devices for self-monitoring of glucose levels (including those for the visually impaired), test strips, visual reading and urine test strips, one insulin pump for each warranty period, accessories to insulin pumps, one prescriptive oral agent for

controlling blood sugar levels for each class of drug approved by the United States food and drug administration, and glucagon emergency kits.

(c) Nothing in subsection (12)(a) or (12)(b) prohibits the state or the Montana university group benefit plans from providing a greater benefit or an alternative benefit of substantially equal value, in which case subsection (12)(a) or (12)(b), as appropriate, does not apply.

(d) Annual copayment and deductible provisions are subject to the same terms and conditions applicable to all other covered benefits within a given policy.

(e) This subsection (12) does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, specific disease, or long-term care policies offered by the state or the Montana university system as benefits to employees, retirees, and their dependents.

(13) (a) Except as provided in subsection (16), the state employee group benefit plans and the Montana university system group benefits plans that provide coverage to the spouse or dependents of a peace officer as defined in 45-2-101, a game warden as defined in 19-8-101, a firefighter as defined in 19-13-104, or a volunteer firefighter as defined in 19-17-102 shall renew the coverage of the spouse or dependents if the peace officer, game warden, firefighter, or volunteer firefighter dies within the course and scope of employment. Except as provided in subsection (13)(b), the continuation of the coverage is at the option of the spouse or dependents. Renewals of coverage under this section must provide for the same level of benefits as is available to other members of the group. Premiums charged to a spouse or dependent under this section must be the same as premiums charged to other similarly situated members of the group. Dependent special enrollment must be allowed under the terms of the insurance contract or plan. The provisions of this subsection (13)(a) are applicable to a spouse or dependent who is insured under a COBRA continuation provision.

(b) The state employee group benefit plans and the Montana university system group benefits plans subject to the provisions of subsection (13)(a) may discontinue or not renew the coverage of a spouse or dependent only if:

(i) the spouse or dependent has failed to pay premiums or contributions in accordance with the terms of the state employee group benefit plans and the Montana university system group benefits plans or if the plans have not received timely premium payments;

(ii) the spouse or dependent has performed an act or practice that constitutes fraud or has made an intentional misrepresentation of a material fact under the terms of the coverage; or

(iii) the state employee group benefit plans and the Montana university system group benefits plans are ceasing to offer coverage in accordance with applicable state law.

(14) The state employee group benefit plans and the Montana university system group benefits plans must comply with the provisions of 33-22-153.

(15) An insurance contract or plan issued under this part and a group benefits plan issued by the Montana university system must provide mental health coverage that meets the provisions of Title 33, chapter 22, part 7.

(16) The employing state agency of a law enforcement officer as defined in 2-15-2040 who is covered under the state employee group benefit plan shall:

(a) if the officer is catastrophically injured in the line of duty as defined in 2-15-2040, enroll the officer and the officer's covered spouse or dependent children in COBRA continuation coverage when that officer is terminated from employment as a result of the catastrophic injury. The officer and the officer's

spouse or dependent children may opt out of COBRA continuation coverage within 60 days of enrollment.

(b) enroll the officer's covered spouse or dependent children in COBRA continuation coverage if the officer dies in the line of duty as defined in 2-15-2040. The officer's spouse or dependent children may opt out of COBRA coverage within 60 days of the date of enrollment.

(c) pay the COBRA premium for 4 months of COBRA continuation coverage for the officer and the officer's covered spouse or dependent children enrolled in COBRA continuation coverage pursuant to subsections (16)(a) or (16)(b), after which time the officer and the officer's spouse or dependent children shall pay the COBRA premium.

(17) (a) An insurance contract or plan issued under this part or a group benefits plan issued by the Montana university system that includes coverage for gender transition treatment or subsequent treatment directly related to the provision of gender transition treatment must also include coverage for detransition treatment under equivalent cost-sharing policies.

(b) If an insurance contract or plan issued under this part or a group benefits plan issued by the Montana university system ceases coverage for gender transition treatment, the plan is not required to provide equivalent coverage for detransition treatment, except that the plan must provide equivalent coverage to insureds who were enrolled when gender transition treatment coverage was provided and received benefits under that coverage.

(c) For the purposes of this subsection (17), "gender transition treatment" means the following medical treatments provided:

(a) to a female to address her perception that her gender or sex is not female:

(i) surgical procedures, including a vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular protheses, subcutaneous mastectomy, voice surgery, and pectoral implants;

(ii) supraphysiologic doses of testosterone or other androgens; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female minors; and

(b) to a male to address his perception that his gender or sex is not male:

(i) surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation mammoplasty, facial feminization surgery, voice surgery, thyroid cartilage reduction, and gluteal augmentation;

(ii) supraphysiologic doses of estrogen; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of testosterone to delay or suppress pubertal development in male minors. (See compiler's comments for contingent termination of certain text.)"

Section 4. Section 27-2-204, MCA, is amended to read:

"**27-2-204. Tort actions -- general and personal injury.** (1) Except as provided in 27-2-216 *and [section 1]*, the period prescribed for the commencement of an action ~~upon~~ *on* a liability not founded ~~upon~~ *on* an instrument in writing is within 3 years.

(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years, except when the wrongful death is the result of a homicide, in which case the period is within 10 years.

(3) The period prescribed for the commencement of an action for libel, slander, assault, battery, false imprisonment, or seduction is within 2 years."

Section 5. Section 27-2-205, MCA, is amended to read:

"**27-2-205. Actions for medical malpractice.** (1) ~~Action~~ *Except as provided in [section 1], action* in tort or contract for injury or death against a physician or surgeon, physician assistant, dentist, dental hygienist, registered nurse, advanced practice registered nurse, nursing home or hospital administrator, dispensing optician, optometrist, licensed physical therapist, podiatrist, psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, pharmacist, veterinarian, a licensed hospital or long-term care facility, or licensed medical professional corporation, based ~~upon~~ *on* alleged professional negligence or for rendering professional services without consent or for an act, error, or omission, must, except as provided in subsection (2), be commenced within 2 years after the date of injury or within 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs last, but in no case may an action be commenced after 5 years from the date of injury. However, this time limitation is tolled for any period during which there has been a failure to disclose any act, error, or omission ~~upon~~ *on* which an action is based and that is known to the defendant or through the use of reasonable diligence subsequent to the act, error, or omission would have been known to the defendant.

(2) Notwithstanding the provisions of 27-2-401, in an action for death or injury of a minor who was under the age of 4 on the date of the minor's injury, the period of limitations in subsection (1) begins to run when the minor reaches the minor's eighth birthday or dies, whichever occurs first, and the time for commencement of the action is tolled during any period during which the minor does not reside with a parent or guardian."

Section 6. Section 33-31-111, MCA, is amended to read:

"**33-31-111. Statutory construction and relationship to other laws.** (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to a health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

(6) This section does not exempt a health maintenance organization from:

(a) prohibitions against interference with certain communications as provided under Title 33, chapter 1, part 8;

(b) the provisions of Title 33, chapter 22, parts 7 and 19;

(c) the requirements of 33-22-134 and 33-22-135;

(d) network adequacy and quality assurance requirements provided under chapter 36; or

(e) the requirements of Title 33, chapter 18, part 9.

(7) Other chapters and provisions of this title apply to health maintenance organizations as follows: Title 33, chapter 1, parts 6, 12, and 13; 33-2-1114; 33-2-1211 and 33-2-1212; Title 33, chapter 2, parts 13, 19, 23, and 24; 33-3-401; 33-3-422; 33-3-431; Title 33, chapter 3, part 6; Title 33, chapter 10; Title 33, chapter 12; 33-15-308; Title 33, chapter 17; Title 33, chapter 19; 33-22-107; 33-22-114; 33-22-128; 33-22-129; 33-22-131; 33-22-136 through 33-22-139; 33-22-141 and 33-22-142; 33-22-152 through 33-22-159; 33-22-180; *[section 2];* 33-22-244; 33-22-246 and 33-22-247; 33-22-514 and 33-22-515; 33-22-521; 33-22-523 and 33-22-524; 33-22-526; 33-22-2103; and Title 33, chapter 32."

Section 7. Section 33-35-306, MCA, is amended to read:

"**33-35-306. Application of insurance code to arrangements.** (1) In addition to this chapter, self-funded multiple employer welfare arrangements are subject to the following provisions:

(a) 33-1-111;

(b) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;

(c) Title 33, chapter 1, part 7;

(d) Title 33, chapter 2, parts 23 and 24;

(e) 33-3-308;

(f) Title 33, chapter 7;

(g) Title 33, chapter 18, except 33-18-242;

(h) Title 33, chapter 19;

(i) 33-22-107, 33-22-114, 33-22-128, 33-22-129, 33-22-131, 33-22-134, 33-22-135, 33-22-138, 33-22-139, 33-22-141, 33-22-142, *[section 2],* and 33-22-152 through 33-22-155;

(j) 33-22-316;

(k) 33-22-512, 33-22-515, 33-22-525, and 33-22-526;

(l) Title 33, chapter 22, parts 7 and 21; and

(m) 33-22-707.

(2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded multiple employer welfare arrangement that has been issued a certificate of authority that has not been revoked."

Section 8. Section 53-4-1005, MCA, is amended to read:

"**53-4-1005. (Temporary) Benefits provided.** (1) Benefits provided to participants in the program may include but are not limited to:

(a) inpatient and outpatient hospital services;

(b) physician, physician assistant, and advanced practice registered nurse services;

(c) laboratory and x-ray services;

(d) well-child and well-baby services;

(e) immunizations;

(f) clinic services;

(g) dental services;

(h) prescription drugs;

(i) mental health and substance abuse treatment services;

(j) habilitative services as defined in 53-4-1103;

(k) hearing and vision exams; and

(l) eyeglasses.

(2) The program must comply with the provisions of 33-22-153 and 53-6-197.

(3) The department shall adopt rules, pursuant to its authority under 53-4-1009, allowing it to cover significant dental needs beyond those covered in the basic plan. Expenditures under this subsection may not exceed $100,000 in state funds, plus any matched federal funds, each fiscal year.

(4) The department is specifically prohibited from providing payment for birth control contraceptives under this program.

(5) The department shall notify enrollees of any restrictions on access to health care providers, of any restrictions on the availability of services by out-of-state providers, and of the methodology for an out-of-state provider to be an eligible provider.

(6) If benefits provided under the program include gender transition treatment or subsequent treatment directly related to the provision of gender transition treatment, benefits provided under the program must also include detransition treatment under equivalent cost-sharing policies.

(b) If benefits provided under the program cease to include gender transition treatment, the program is not required to provide equivalent coverage for detransition treatment, except that the program must provide equivalent coverage to participants who were enrolled when gender transition treatment was provided and received benefits under that coverage.

(c) For the purposes of this subsection (6), "gender transition treatment" means the following medical treatments provided:

(a) to a female to address her perception that her gender or sex is not female:

(i) surgical procedures, including a vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular protheses, subcutaneous mastectomy, voice surgery, and pectoral implants;

(ii) supraphysiologic doses of testosterone or other androgens; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female minors; and

(b) to a male to address his perception that his gender or sex is not male:

(i) surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation mammoplasty, facial feminization surgery, voice surgery, thyroid cartilage reduction, and gluteal augmentation;

(ii) supraphysiologic doses of estrogen; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of testosterone to delay or suppress pubertal development in male minors. (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999; sec. 3, Ch. 169, L. 2007; sec. 10, Ch. 97, L. 2013; sec. 5, Ch. 399, L. 2017.)"

Section 9. Section 53-6-101, MCA, is amended to read:

"**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;

(d) skilled nursing services in long-term care facilities;

(e) physicians' services;

(f) nurse specialist services;

(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);

(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;

(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department;

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);

(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;

(n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103;

(o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.;

(p) fertility preservation services in accordance with 33-22-2103; and

(q) planned home births for women with a low risk of adverse birth outcomes, as established by the appropriate licensing board, that are attended by certified nurse-midwives licensed under Title 37, chapter 8, or direct-entry midwives licensed under Title 37, chapter 27. Coverage under this section includes prenatal care and postpartum care.

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services[, including services provided by pediatric complex care assistants licensed pursuant to 37-2-603];

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of clinical professional counselors licensed under Title 37, chapter 39;

(m) services of a marriage and family therapist licensed under Title 37, chapter 39;

(n) hospice care, as defined in 42 U.S.C. 1396d(o);

(o) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;

(p) services of psychologists licensed under Title 37, chapter 17;

(q) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;

(r) services of behavioral health peer support specialists certified under Title 37, chapter 39, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and

(s) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(s) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department shall report this information to the following committees:

(i) the children, families, health, and human services interim committee;

(ii) the legislative finance committee; and

(iii) the health and human services budget committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2).

(14) If services provided under the Montana medicaid program include gender transition treatment or subsequent treatment directly related to the provision of gender transition treatment, services provided under the program must also include detransition treatment under equivalent cost-sharing policies.

(b) If services provided under the program cease to include gender transition treatment, the program is not required to provide equivalent coverage for detransition treatment, except that the program must provide equivalent coverage to recipients who were enrolled when gender transition treatment was provided and received benefits under that coverage.

(c) For the purposes of this subsection (14), "gender transition treatment" means the following medical treatments provided:

(a) to a female to address her perception that her gender or sex is not female:

(i) surgical procedures, including a vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular protheses, subcutaneous mastectomy, voice surgery, and pectoral implants;

(ii) supraphysiologic doses of testosterone or other androgens; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female minors; and

(b) to a male to address his perception that his gender or sex is not male:

(i) surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation mammoplasty, facial feminization surgery, voice surgery, thyroid cartilage reduction, and gluteal augmentation;

(ii) supraphysiologic doses of estrogen; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of testosterone to delay or suppress pubertal development in male minors. (Subsection (3)(o) terminates September 30, 2025--sec. 1, Ch. 298, L. 2023; bracketed language in subsection (4)(b) terminates June 30, 2031--sec. 10, Ch. 628, L. 2023.)"

Section 10. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 27, chapter 2, part 2, and the provisions of Title 27, chapter 2, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 33, chapter 22, part 1, and the provisions of Title 33, chapter 22, part 1, apply to [section 2].

Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 2026.

(2) [Section 12] and this section are effective on passage and approval.

Section 12. Coordination instruction. If both Senate Bill No. 218 and [this act] are passed and approved, then [section 1 of this act] must be amended to include a new subsection (2) that reads as follows:

"(2) An action brought pursuant to [section 1 of Senate Bill No. 218] for injuries suffered from gender transition treatment the person received as a minor must be brought within the timeframes specified in this section."

Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved May 13, 2025

CHAPTER NO. 710

[HB 683]

AN ACT REVISING CONFLICT OF INTEREST LAWS FOR CERTAIN LOCAL GOVERNMENT CONTRACTS; PROHIBITING CONTRACTS WITH A PERSON OR ENTITY THAT WAS INVOLVED IN THE DESIGN OR ENGINEERING OF A PRIMARY PROJECT; REQUIRING THE DISCLOSURE OF CONFLICTS; PROVIDING A DEFINITION; AND AMENDING SECTIONS 7-3-1323, 7-5-2301, 7-5-4301, AND 7-14-2404, MCA.

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

Section 1. County contracts -- conflict of interest. (1) (a) Except as provided in Title 18, chapter 2, part 5, regarding use of an alternative project delivery contract, the governing body of a county or consolidated city-county government may not award a construction contract to a contractor if the entity has a financial interest, directly or indirectly, with a person, employee, contractor, subcontractor, or entity that has participated in the design or engineering of the project as a consultant or otherwise, or that represents

the owner in the oversight or management of the contracted project, without disclosure of the conflict.

(b) A contractor who fails to disclose a conflict with the submission of a bid must be determined to be nonresponsive to the bid. The governing body shall, at the time of bid opening, announce the disclosure of any conflicts for all bidders. Subsequent to bid opening and prior to formal award, the governing body shall, in a public meeting, receive public comment on disclosed conflicts. The governing body may determine and stipulate appropriate remedies, if any, in the formal award of the contract.

(2) For the purpose of this section, "financial interest" means ownership of a legal or equitable interest of 24% or more or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

(a) ownership in a mutual or common investment fund that holds securities is not a financial interest in the securities unless the entity participates in the management of the fund;

(b) an office in an educational, religious, charitable, fraternal, or civic organization is not a financial interest in securities held by the entity;

(c) the proprietary interest of a policyholder in a mutual insurance company or a depositor in a mutual savings association or a similar proprietary interest is a financial interest in the organization only if the entity could substantially affect the value of the interest; and

(d) ownership of government securities is a financial interest in the issuer only if the contractor could substantially affect the value of the securities.

Section 2. Municipal contracts -- conflict of interest. (1) (a) Except as provided in Title 18, chapter 2, part 5, regarding use of an alternative project delivery contract, the governing body of a city or town or other local government legislative body may not award a construction contract to a contractor if the entity has ~~an~~ a financial interest, directly or indirectly, with a person, employee, contractor, subcontractor, or entity that has participated in the design or engineering of the project as a consultant or otherwise, or that represents the owner in the oversight or management of the contracted project, without disclosure of the conflict.

(b) A contractor who fails to disclose a conflict with the submission of a bid must be determined to be nonresponsive to the bid. The governing body shall, at the time of bid opening, announce the disclosure of any conflicts for all bidders, Subsequent to bid opening and prior to formal award, the governing body shall, in a public meeting, receive public comment on disclosed conflicts. The governing body may determine and stipulate appropriate remedies, if any, in the formal award of the contract.

(2) For the purposes of this section, "financial interest" has the same meaning as provided in [section 1].

Section 3. Section 7-3-1323, MCA, is amended to read:

"**7-3-1323. Competitive, advertised bidding required for certain contracts.** All contracts entered into by the municipality for supplies or materials, for any public work, or for the construction, reconstruction, repair, maintenance, or operation of any public works or improvements, for which must be paid a sum exceeding $2,000, ~~shall~~ *must* be awarded to the lowest responsible bidder after public advertisement and competition as may be prescribed by ordinance, but the manager ~~shall~~ *must* have the right to reject all bids and advertise again. All advertisements as to contracts ~~shall~~ *must* contain a reservation of the foregoing right. All contracts entered into by the municipality ~~shall~~ *must* be signed by the manager after approval ~~thereof~~ *of the contracts* by the commission. *A contract may not be issued in violation of [section 2] regarding a conflict of interest.*"

Section 4. Section 7-5-2301, MCA, is amended to read:

"**7-5-2301. Competitive, advertised bidding required for certain large purchases or construction contracts.** (1) Except as provided in 7-5-2304 and Title 18, chapter 2, part 5, a contract for the purchase of any vehicle, road machinery or other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance in excess of $80,000 may not be entered into by a county governing body without first publishing a notice calling for bids.

(2) The notice must be published as provided in 7-1-2121.

(3) Subject to 7-5-2309 *and subsection (4) of this section* and except as provided in Title 18, chapter 2, part 5, ~~every~~ *each* contract subject to bidding must be let to the lowest responsible bidder.

(4) A contract may not be issued in violation of [section 1] regarding a conflict of interest."

Section 5. Section 7-5-4301, MCA, is amended to read:

"**7-5-4301. Power to enter and execute contracts.** (1) ~~A~~ *Except as provided in [section 2] regarding a conflict of interest, a* city or town is authorized to make any contracts necessary to carry into effect the applicable powers granted by this chapter and to provide for the manner of executing the contracts.

(2) (a) All necessary contracts for professional, technical, engineering, or legal services are excluded from the provisions of 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307. However, contracts in which the value of the majority of the services to be rendered constitute services other than professional, technical, engineering, or legal services must be awarded under the bidding procedure provided for in 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307.

(b) (i) Except as provided in subsection (2)(b)(ii), supervision over or operation of a physical plant that provides water, sewer, or power services to a municipality does not constitute a service excluded under the provisions of subsection (2)(a).

(ii) A city, town, or municipality may extend, renew, or amend a contract or series of contracts for the supervision or operation of a physical plant that provides water, sewer, or power services without proceeding under the bidding procedure provided for in 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307 if:

(A) one or more of the contracts were awarded to the entity in accordance with the competitive bidding procedures provided in 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307; and

(B) the entity has provided the services to the city, town, or municipality for the immediately preceding 5-year period."

Section 6. Section 7-14-2404, MCA, is amended to read:

"**7-14-2404. Competitive bids for county road contracts.** Each bidder shall comply with the requirements of Title 18, chapter 1, part 2. The contract must be awarded to the lowest responsible bidder in accordance with the requirements of 18-1-102 and Title 18, chapter 2, part 4, and the board may reserve the right to reject any bids. If there is no prevailing rate of wages set by collective bargaining, the board shall determine the prevailing rate to be stated in the contract. *A contract may not be issued in violation of [section 1] regarding a conflict of interest.*"

Section 7. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 7, chapter 5, part 23, and the provisions of Title 7, chapter 5, part 23, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 7, chapter 5, part 43, and the provisions of Title 7, chapter 5, part 43, apply to [section 2].

Approved May 13, 2025

CHAPTER NO. 711

[HB 684]

AN ACT REVISING THE DEADLINE FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO REVIEW DATA FOR WATER QUALITY ASSESSMENTS; AND AMENDING SECTION 75-5-702, MCA.

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

Section 1. Section 75-5-702, MCA, is amended to read:

"**75-5-702. Monitoring -- water quality assessment listing -- costs payable by department -- statewide advisory group.** (1) The department shall monitor state waters to assess the quality of those waters and to identify surface water bodies or segments of surface water bodies that are threatened or impaired. The department shall use the monitoring results to revise the list of water bodies that are identified as threatened or impaired and to establish a priority ranking for TMDL development for those waters in accordance with subsections (4) and (7).

(2) In revising the list prepared pursuant to this section, the department shall use all currently available data, including information or data obtained from federal, state, and local agencies, private entities, or individuals with an interest in water quality protection. Except as provided in subsection (6), the department may modify the list only if there is sufficient credible data to support the modification. Prior to publishing a final list, the department shall provide public notice and allow 60 days for public comment on the draft list. The department shall make available for public review, upon request, documentation used in the determination to list or delist a particular water body, including, at a minimum, a description of the information, data, and methodology used. The department may charge a reasonable fee for the documentation, commensurate with the cost of providing the documentation to the requestor.

(3) A person may request that the department add or remove a water body or reprioritize a water body on a draft or published list by providing the data or information necessary to support the request. ~~The department shall review the data within 60 days from its submittal.~~ *The department shall review the data within 180 days from its submittal.* If the department determines that there is sufficient credible data to grant the request, the department shall provide public notice of its intended action and allow 60 days for public comment prior to taking action on the request. A person aggrieved by the department's decision to grant or deny the request may appeal the department's decision to the board.

(4) The department shall, in consultation with local conservation districts and watershed advisory groups pursuant to 75-5-704, review and revise the list and priority rankings of water bodies identified as threatened or impaired. The department shall review and revise the list at intervals not to exceed 5 years. The department shall make available for public review the data and information used in making any changes in its list of threatened or impaired water bodies that is developed and maintained pursuant to this section.

(5) By October 1, 1999, and in consultation with the statewide TMDL advisory group established pursuant to subsection (10), the department shall develop and maintain a data management system that can be used to assess the validity and reliability of the data used in the listing and priority ranking process. The department shall make available to the public, upon request, data from its data management system. The department may charge a reasonable fee for the data, commensurate with its cost of providing the data to the requestor.

(6) By October 1, 1999, and in consultation with the statewide TMDL advisory group, the department shall use the data management system developed and maintained pursuant to subsection (5) to revise the list and to remove any water body that lacks sufficient credible data to support its listing. If the department removes a water body because there is a lack of sufficient credible data to support its listing, the department shall monitor and assess that water body during the next field season or as soon as possible thereafter to determine whether it is a threatened water body or an impaired water body.

(7) Except as provided in subsection (9), in prioritizing water bodies for TMDL development, the department shall, in consultation with the statewide TMDL advisory group, take into consideration the following:

(a) the beneficial uses established for a water body;

(b) the extent that natural factors over which humans have no control are contributing to any impairment;

(c) the impacts to human health and aquatic life;

(d) the degree of public interest and support;

(e) the character of the pollutant and the severity and magnitude of water quality standard noncompliance;

(f) whether the water body is an important high-quality resource in an early stage of degradation;

(g) the size of the water body not achieving standards;

(h) immediate programmatic needs, such as waste load allocations for new permits or permit renewals and load allocations for new nonpoint sources;

(i) court orders and decisions relating to water quality;

(j) state policies and priorities, including the protection and restoration of native fish when appropriate;

(k) the availability of technology and resources to correct the problems;

(l) whether actions or voluntary programs that are likely to correct the impairment of a particular water body are currently in place; and

(m) the recreational, economic, and aesthetic importance of a particular water body.

(8) Except as provided in subsection (9), the department shall, in consultation with the statewide TMDL advisory group, develop a method of rating water bodies according to the criteria and considerations described in subsection (7) in order to rank the listed water bodies as high priority, moderate priority, or low priority for TMDL development. The department may not rank a water body as a high priority under this section without first validating the data necessary to support the ranking.

(9) (a) When the department receives an application for a new individual permit to discharge into a surface water body or a segment of a surface water body pursuant to 75-5-401, the surface water body or segment of a surface water body has been listed pursuant to subsection (2) of this section, the discharge would contain a pollutant for which the water body or segment is threatened or impaired, and a TMDL has not been developed for that water body or segment, the department shall:

(i) within 30 days of the department's receipt of the application, initiate the development of a TMDL on the water body or segment; and

(ii) except as provided in subsection (9)(b), within 180 days of the department's receipt of the application, complete development of the TMDL pursuant to 75-5-703.

(b) If the department is not able to complete development of the TMDL in accordance with subsection (9)(a)(ii), the department shall, within 30 days of the department's receipt of the application, specify in writing to the applicant why the department is not able to complete development of a TMDL in

accordance with subsection (9)(a)(ii). The department and the applicant shall make reasonable efforts to mutually agree in writing to a timeframe in which the department shall complete development of the TMDL. If the department specifies a lack of resources as a reason why the department cannot complete development of the TMDL in accordance with subsection (9)(a)(ii), the department shall clearly explain in its written specification what resources are not available, why those resources are not available, and when those resources will be available.

(c) If the department and the applicant cannot mutually agree to a timeframe in accordance with subsection (9)(b), the department shall, within 60 days of the department's receipt of the application, specify in writing to the applicant the timeframe in which the TMDL will be completed by the department and the reasons why that timeframe is appropriate. If the department specifies a lack of resources as a reason why the department's timeframe is appropriate, the department may request the applicant provide funding for the development of the TMDL in order to accelerate the completion of the TMDL.

(d) The applicant may, within 15 days of the department's written specification provided in accordance with subsection (9)(c), request in writing a hearing before the board for the purpose of petitioning the board to reverse or modify the department's decision. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection. If the parties to the contested case waive a formal proceeding pursuant to 2-4-603, the informal proceeding must be conducted within 30 days after the board's receipt of the written request. After the hearing and in a reasonable time, the board shall affirm, modify, or reverse the action of the department, and the board shall make findings and conclusions that explain its decision. Pending the board's decision, the department shall develop the TMDL in accordance with the timeframe specified in subsection (9)(a)(ii).

(e) The department may not declare an application incomplete or deficient because a TMDL has not been prepared.

(f) If on April 27, 2015, an application for a new individual permit to discharge into a surface water body or a segment of a surface water body pursuant to 75-5-401 is pending, the surface water body or segment of a surface water body has been listed pursuant to subsection (2) of this section, the discharge would contain a pollutant for which the water body or segment is threatened or impaired, and a TMDL has not been developed for the water body or segment, the department shall, except as provided in subsection (9)(g), complete a TMDL for the water body or segment within 180 days of April 27, 2015.

(g) If the department is not able to complete development of the TMDL within 180 days of April 27, 2015, pursuant to subsection (9)(f), then the timeframes established in accordance with subsections (9)(b), (9)(c), and (9)(d) apply to the application, but the timeframes are measured from April 27, 2015, not from the date the department receives an application.

(10) (a) The department shall establish a statewide TMDL advisory group to serve in the consultation capacity set forth in 75-5-703, 75-5-704, and this section. Fourteen members, and any replacement members that may be necessary, must be appointed by the director, based upon one nomination from each of the following interests:

(i) livestock-oriented agriculture;

(ii) farming-oriented agriculture;

(iii) conservation or environmental interests;

(iv) water-based recreationists;

(v) the forestry industry;
(vi) municipalities;
(vii) point source dischargers;
(viii) mining;
(ix) federal land management agencies;
(x) state trust land management agencies;
(xi) supervisors of soil and water conservation districts for counties east of the continental divide;
(xii) supervisors of soil and water conservation districts for counties west of the continental divide;
(xiii) the hydroelectric industry; and
(xiv) fishing-related businesses.

(b) If the director receives more than one nomination from a particular interest, the director shall notify the respective nominators and request that they agree on one nominee.

(11) The department shall provide public notice of meetings of the statewide TMDL advisory group and shall solicit, document, and consider public comments provided during the deliberations of the advisory group."

Approved May 13, 2025

CHAPTER NO. 712

[HB 685]

AN ACT PROVIDING A FEASIBILITY ALLOWANCE TO MEET THE WATER QUALITY NONDEGRADATION POLICY; REVISING A DEFINITION; AMENDING ADMINISTRATIVE RULES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 75-5-103, 75-5-301, 75-5-303, 75-5-316, 75-5-516, AND 75-5-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 75-5-103, MCA, is amended to read:

"**75-5-103. (Temporary) Definitions.** Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Associated supporting infrastructure" means:
(a) electric transmission and distribution facilities;
(b) pipeline facilities;
(c) aboveground ponds and reservoirs and underground storage reservoirs;
(d) rail transportation;
(e) aqueducts and diversion dams;
(f) devices or equipment associated with the delivery of an energy form or product produced at an energy development project; or
(g) other supporting infrastructure, as defined by department rule, that is necessary for an energy development project.

(2) "Board" means the board of environmental review provided for in 2-15-3502.

(3) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes, or other wastes, creating a hazard to human health.

(4) "Council" means the water pollution control advisory council provided for in 2-15-2107.

(5) (a) "Currently available data" means data that is readily available to the department at the time a decision is made, including information supporting its previous lists of water bodies that are threatened or impaired.

(b) The term does not mean new data to be obtained as a result of department efforts.

(6) "Degradation" means a change in water quality that lowers the quality of high-quality waters for a parameter. The term does not include those changes in water quality determined to be nonsignificant pursuant to 75-5-301(5)(c).

(7) "Department" means the department of environmental quality provided for in 2-15-3501.

(8) "Disposal system" means a system for disposing of sewage, industrial, or other wastes and includes sewage systems and treatment works.

(9) "Effluent standard" means a restriction or prohibition on quantities, rates, and concentrations of chemical, physical, biological, and other constituents that are discharged into state waters.

(10) "Energy development project" means each plant, unit, or other development and associated developments, including any associated supporting infrastructure, designed for or capable of:

(a) generating electricity;

(b) producing gas derived from coal;

(c) producing liquid hydrocarbon products;

(d) refining crude oil or natural gas;

(e) producing alcohol to be blended for ethanol-blended gasoline and that are eligible for a tax incentive pursuant to Title 15, chapter 70, part 5; or

(f) transmitting electricity through an electric transmission line with a design capacity of equal to or greater than 50 kilovolts.

(11) "Existing uses" means those uses actually attained in state waters on or after July 1, 1971, whether or not those uses are included in the water quality standards.

(12) "High-quality waters" means all state waters, except:

(a) ground water classified as of January 1, 1995, within the "III" or "IV" classifications established by the department's classification rules; and

(b) surface waters that:

(i) are not capable of supporting any one of the designated uses for their classification; or

(ii) have zero flow or surface expression for more than 270 days during most years.

(13) "Impaired water body" means a water body or stream segment for which sufficient credible data shows that the water body or stream segment is failing to achieve compliance with applicable water quality standards.

(14) "Industrial waste" means a waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

(15) "Interested person" means a person who has a real property interest, a water right, or an economic interest that is or may be directly and adversely affected by the department's preliminary decision regarding degradation of state waters, pursuant to 75-5-303. The term includes a person who has requested ~~authorization to degrade high-quality waters~~ *a feasibility allowance*.

(16) "Load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future nonpoint sources or to natural background sources.

(17) "Loading capacity" means the mass of a pollutant that a water body can assimilate without a violation of water quality standards. For pollutants that cannot be measured in terms of mass, it means the maximum change that can occur from the best practicable condition in a surface water without causing a violation of the surface water quality standards.

(18) "Local department of health" means the staff, including health officers, employed by a county, city, city-county, or district board of health.

(19) "Metal parameters" includes but is not limited to aluminum, antimony, arsenic, beryllium, barium, cadmium, chromium, copper, fluoride, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, and zinc.

(20) "Mixing zone" means an area established in a permit or final decision on nondegradation issued by the department where water quality standards may be exceeded, subject to conditions that are imposed by the department and that are consistent with the rules adopted by the department.

(21) "Nutrient work group" means an advisory work group, convened by the department, representing publicly owned and privately owned point sources of pollution, nonpoint sources of pollution, and other interested parties that will advise the department on nutrient standards, the implementation of those standards, and associated economic impacts.

(22) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

(23) "Outstanding resource waters" means:

(a) state surface waters located wholly within the boundaries of areas designated as national parks or national wilderness areas as of October 1, 1995; or

(b) other surface waters or ground waters classified by the department under the provisions of 75-5-316 and approved by the legislature.

(24) "Owner or operator" means a person who owns, leases, operates, controls, or supervises a point source.

(25) "Parameter" means a physical, biological, or chemical property of state water when a value of that property affects the quality of the state water.

(26) "Person" means the state, a political subdivision of the state, institution, firm, corporation, partnership, individual, or other entity and includes persons resident in Canada.

(27) "Point source" means a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

(28) (a) "Pollution" means:

(i) contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or

(ii) the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive, or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife.

(b) The term does not include:

(i) a discharge, seepage, drainage, infiltration, or flow that is authorized under the pollution discharge permit rules adopted by the department under this chapter;

(ii) activities conducted under this chapter that comply with the conditions imposed by the department in short-term authorizations pursuant to 75-5-308;

(iii) contamination of ground water within the boundaries of an underground mine using in situ coal gasification and operating in accordance with a permit issued under 82-4-221.

(c) Contamination referred to in subsections (28)(b)(iii) and (28)(b)(iv) does not require a mixing zone.

(29) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present.

(30) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

(31) "Standard of performance" means a standard adopted by the department for the control of the discharge of pollutants that reflects the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, when practicable, a standard permitting no discharge of pollutants.

(32) (a) "State waters" means a body of water, irrigation system, or drainage system, either surface or underground.

(b) The term does not apply to:

(i) ponds or lagoons used solely for treating, transporting, or impounding pollutants; or

(ii) irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters.

(33) "Sufficient credible data" means chemical, physical, or biological monitoring data, alone or in combination with narrative information, that supports a finding as to whether a water body is achieving compliance with applicable water quality standards.

(34) "Threatened water body" means a water body or stream segment for which sufficient credible data and calculated increases in loads show that the water body or stream segment is fully supporting its designated uses but threatened for a particular designated use because of:

(a) proposed sources that are not subject to pollution prevention or control actions required by a discharge permit, the nondegradation provisions, or reasonable land, soil, and water conservation practices; or

(b) documented adverse pollution trends.

(35) "Total maximum daily load" or "TMDL" means the sum of the individual waste load allocations for point sources and load allocations for both nonpoint sources and natural background sources established at a level necessary to achieve compliance with applicable surface water quality standards.

(36) "Treatment works" means works, including sewage lagoons, installed for treating or holding sewage, industrial wastes, or other wastes.

(37) "Waste load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources.

(38) "Water quality protection practices" means those activities, prohibitions, maintenance procedures, or other management practices applied to point and nonpoint sources designed to protect, maintain, and improve the quality of state waters. Water quality protection practices include but are not limited to treatment requirements, standards of performance, effluent standards, and operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from material storage.

(39) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of ground water.

(40) "Watershed advisory group" means a group of individuals who wish to participate in an advisory capacity in revising and reprioritizing the list of water bodies developed under 75-5-702 and in the development of TMDLs under 75-5-703, including those groups or individuals requested by the department to participate in an advisory capacity as provided in 75-5-704.

75-5-103. (Effective on occurrence of contingency) Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Associated supporting infrastructure" means:

(a) electric transmission and distribution facilities;

(b) pipeline facilities;

(c) aboveground ponds and reservoirs and underground storage reservoirs;

(d) rail transportation;

(e) aqueducts and diversion dams;

(f) devices or equipment associated with the delivery of an energy form or product produced at an energy development project; or

(g) other supporting infrastructure, as defined by department rule, that is necessary for an energy development project.

(2) "Board" means the board of environmental review provided for in 2-15-3502.

(3) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes, or other wastes, creating a hazard to human health.

(4) "Council" means the water pollution control advisory council provided for in 2-15-2107.

(5) (a) "Currently available data" means data that is readily available to the department at the time a decision is made, including information supporting its previous lists of water bodies that are threatened or impaired.

(b) The term does not mean new data to be obtained as a result of department efforts.

(6) "Degradation" means a change in water quality that lowers the quality of high-quality waters for a parameter. The term does not include those changes in water quality determined to be nonsignificant pursuant to 75-5-301(5)(c).

(7) "Department" means the department of environmental quality provided for in 2-15-3501.

(8) "Disposal system" means a system for disposing of sewage, industrial, or other wastes and includes sewage systems and treatment works.

(9) "Effluent standard" means a restriction or prohibition on quantities, rates, and concentrations of chemical, physical, biological, and other constituents that are discharged into state waters.

(10) "Energy development project" means each plant, unit, or other development and associated developments, including any associated supporting infrastructure, designed for or capable of:

(a) generating electricity;

(b) producing gas derived from coal;

(c) producing liquid hydrocarbon products;

(d) refining crude oil or natural gas;

(e) producing alcohol to be blended for ethanol-blended gasoline and that are eligible for a tax incentive pursuant to Title 15, chapter 70, part 5; or

(f) transmitting electricity through an electric transmission line with a design capacity of equal to or greater than 50 kilovolts.

(11) "Existing uses" means those uses actually attained in state waters on or after July 1, 1971, whether or not those uses are included in the water quality standards.

(12) "High-quality waters" means all state waters, except:

(a) ground water classified as of January 1, 1995, within the "III" or "IV" classifications established by the department's classification rules; and

(b) surface waters that:

(i) are not capable of supporting any one of the designated uses for their classification; or

(ii) have zero flow or surface expression for more than 270 days during most years.

(13) "Impaired water body" means a water body or stream segment for which sufficient credible data shows that the water body or stream segment is failing to achieve compliance with applicable water quality standards.

(14) "Industrial waste" means a waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

(15) "Interested person" means a person who has a real property interest, a water right, or an economic interest that is or may be directly and adversely affected by the department's preliminary decision regarding degradation of state waters, pursuant to 75-5-303. The term includes a person who has requested ~~authorization to degrade high-quality waters~~ *a feasibility allowance*.

(16) "Load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future nonpoint sources or to natural background sources.

(17) "Loading capacity" means the mass of a pollutant that a water body can assimilate without a violation of water quality standards. For pollutants that cannot be measured in terms of mass, it means the maximum change that can occur from the best practicable condition in a surface water without causing a violation of the surface water quality standards.

(18) "Local department of health" means the staff, including health officers, employed by a county, city, city-county, or district board of health.

(19) "Metal parameters" includes but is not limited to aluminum, antimony, arsenic, beryllium, barium, cadmium, chromium, copper, fluoride, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, and zinc.

(20) "Mixing zone" means an area established in a permit or final decision on nondegradation issued by the department where water quality standards may be exceeded, subject to conditions that are imposed by the department and that are consistent with the rules adopted by the department.

(21) "Nutrient work group" means an advisory work group, convened by the department, representing publicly owned and privately owned point sources of pollution, nonpoint sources of pollution, and other interested parties that will advise the department on nutrient standards, the implementation of those standards, and associated economic impacts.

(22) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

(23) "Outstanding resource waters" means:

(a) state surface waters located wholly within the boundaries of areas designated as national parks or national wilderness areas as of October 1, 1995; or

(b) other surface waters or ground waters classified by the department under the provisions of 75-5-316 and approved by the legislature.

(24) "Owner or operator" means a person who owns, leases, operates, controls, or supervises a point source.

(25) "Parameter" means a physical, biological, or chemical property of state water when a value of that property affects the quality of the state water.

(26) "Person" means the state, a political subdivision of the state, institution, firm, corporation, partnership, individual, or other entity and includes persons resident in Canada.

(27) "Point source" means a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

(28) (a) "Pollution" means:

(i) contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or

(ii) the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive, or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife.

(b) The term does not include:

(i) a discharge, seepage, drainage, infiltration, or flow that is authorized under the pollution discharge permit rules adopted by the department under this chapter;

(ii) activities conducted under this chapter that comply with the conditions imposed by the department in short-term authorizations pursuant to 75-5-308;

(iii) contamination of ground water within the boundaries of a geologic storage reservoir, as defined in 82-11-101, by a carbon dioxide injection well in accordance with a permit issued pursuant to Title 82, chapter 11, part 1;

(iv) contamination of ground water within the boundaries of an underground mine using in situ coal gasification and operating in accordance with a permit issued under 82-4-221;

(c) Contamination referred to in subsections (28)(b)(iii) and (28)(b)(iv) does not require a mixing zone.

(29) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present.

(30) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

(31) "Standard of performance" means a standard adopted by the department for the control of the discharge of pollutants that reflects the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, when practicable, a standard permitting no discharge of pollutants.

(32) (a) "State waters" means a body of water, irrigation system, or drainage system, either surface or underground.

(b) The term does not apply to:

(i) ponds or lagoons used solely for treating, transporting, or impounding pollutants; or

(ii) irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters.

(33) "Sufficient credible data" means chemical, physical, or biological monitoring data, alone or in combination with narrative information, that supports a finding as to whether a water body is achieving compliance with applicable water quality standards.

(34) "Threatened water body" means a water body or stream segment for which sufficient credible data and calculated increases in loads show that the water body or stream segment is fully supporting its designated uses but threatened for a particular designated use because of:

(a) proposed sources that are not subject to pollution prevention or control actions required by a discharge permit, the nondegradation provisions, or reasonable land, soil, and water conservation practices; or

(b) documented adverse pollution trends.

(35) "Total maximum daily load" or "TMDL" means the sum of the individual waste load allocations for point sources and load allocations for both nonpoint sources and natural background sources established at a level necessary to achieve compliance with applicable surface water quality standards.

(36) "Treatment works" means works, including sewage lagoons, installed for treating or holding sewage, industrial wastes, or other wastes.

(37) "Waste load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources.

(38) "Water quality protection practices" means those activities, prohibitions, maintenance procedures, or other management practices applied to point and nonpoint sources designed to protect, maintain, and improve the quality of state waters. Water quality protection practices include but are not limited to treatment requirements, standards of performance, effluent standards, and operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from material storage.

(39) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of ground water.

(40) "Watershed advisory group" means a group of individuals who wish to participate in an advisory capacity in revising and reprioritizing the list of water bodies developed under 75-5-702 and in the development of TMDLs under 75-5-703, including those groups or individuals requested by the department to participate in an advisory capacity as provided in 75-5-704."

Section 2. Section 75-5-301, MCA, is amended to read:

"**75-5-301. Classification and standards for state waters.** Consistent with the provisions of 80-15-201 and this chapter, the department shall:

(1) establish the classification of all state waters in accordance with their present and future most beneficial uses, creating an appropriate classification for streams that, due to sporadic flow, do not support an aquatic ecosystem that includes salmonid or nonsalmonid fish;

(2) formulate and adopt standards of water quality, considering the economics of waste treatment and prevention. When rules are adopted regarding temporary standards, they must conform with the requirements of 75-5-312. Standards must meet the following requirements:

(a) for carcinogens, the water quality standard for protection of human health must be the value associated with an excess lifetime cancer risk level, assuming continuous lifetime exposure, not to exceed 1×10^{-3} in the case of arsenic and 1×10^{-5} for other carcinogens. However, if a standard established at a risk level of 1×10^{-3} for arsenic or 1×10^{-5} for other carcinogens violates

the maximum contaminant level obtained from 40 CFR, part 141, then the maximum contaminant level must be adopted as the standard for that carcinogen.

(b) standards for the protection of aquatic life do not apply to ground water.

(3) review, from time to time at intervals of not more than 3 years and, to the extent permitted by this chapter, revise established classifications of waters and adopted standards of water quality;

(4) adopt rules governing the granting of mixing zones, requiring that mixing zones granted by the department be specifically identified and requiring that mixing zones have:

(a) the smallest practicable size;

(b) a minimum practicable effect on water uses; and

(c) definable boundaries;

(5) adopt rules implementing the nondegradation policy established in 75-5-303, including but not limited to rules that:

(a) provide a procedure for department review and authorization of ~~degradation~~ *a feasibility allowance*;

(b) establish criteria for the following:

(i) determining important economic or social development; and

(ii) weighing the social and economic importance to the public of allowing the proposed project against the cost to society associated with a loss of water quality;

(c) establish criteria for determining whether a proposed activity or class of activities, in addition to those activities identified in 75-5-317, will result in nonsignificant changes in water quality for any parameter in order that those activities are not required to undergo review under 75-5-303(3). These criteria must be established in a manner that generally:

(i) equates significance with the potential for harm to human health, a beneficial use, or the environment;

(ii) considers both the quantity and the strength of the pollutant;

(iii) considers the length of time the degradation will occur;

(iv) considers the character of the pollutant so that greater significance is associated with carcinogens and toxins that bioaccumulate or biomagnify and lesser significance is associated with substances that are less harmful or less persistent.

(d) provide that changes of nitrate as nitrogen in ground water are nonsignificant if the discharge will not cause degradation of surface water and the predicted concentration of nitrate as nitrogen at the boundary of the ground water mixing zone does not exceed:

(i) 7.5 milligrams per liter from sources other than sewage;

(ii) 5.0 milligrams per liter from sewage discharged from a system that does not use level two treatment in an area where the ground water nitrate as nitrogen is 5.0 milligrams per liter or less;

(iii) 7.5 milligrams per liter from sewage discharged from a system using level two treatment, which must be defined in the rules; or

(iv) 7.5 milligrams per liter from sewage discharged from a system in areas where the ground water nitrate as nitrogen level exceeds 5.0 milligrams per liter primarily from sources other than human waste; and

(e) for septic system discharges that are not subject to ground water permitting requirements under 75-5-401, establish criteria to determine when the discharges result in nonsignificant changes in surface water quality in order that those discharges are not required to undergo review under 75-5-303(3) and no further analysis under law or rule is required. The criteria must:

(i) be adopted by rule before July 1, 2024; and

(ii) be developed in a manner that generally considers soil type, mixing zone dilution and nitrogen credits, horizontal distance between the discharge and the surface water in the direction of ground water flow, and elevation, including:

(A) adopt surface water impacts for low flow conditions based on mixing zone dilution concentrations and other credits for nitrogen;

(B) credit nitrogen degradation at the drainfield and riparian zone attenuation based on soil type;

(C) exempt surface water body impacts when drainfield is lower in elevation than the waterbody;

(D) limit the adjacent to surface water trigger analysis to a maximum of 1/4 or 1/2 mile from the drainfield to a surface water, depending on soil type; and

(E) create nonsignificant surface water impact categories of 500 or more feet from the surface water that consider soil texture, ground water depths and other pertinent information.

(6) to the extent practicable, ensure that the rules adopted under subsection (5) establish objective and quantifiable criteria for various parameters. These criteria must, to the extent practicable, constitute guidelines for granting or denying applications for authorization to degrade high-quality waters under the policy established in 75-5-303(2) ~~and (3)~~.

(7) adopt rules to implement this section."

Section 3. Section 75-5-303, MCA, is amended to read:

"**75-5-303. Nondegradation policy.** (1) Existing uses of state waters and the level of water quality necessary to protect those uses must be maintained and protected.

(2) Unless authorized by the department under subsection (3) or exempted from review under 75-5-317, the quality of high-quality waters must be maintained.

(3) The department may ~~not authorize degradation of~~ *allow lower water quality through a feasibility allowance in* high-quality waters ~~unless~~ *when* it has been affirmatively demonstrated by a preponderance of evidence to the department that:

(a) ~~degradation~~ *a feasibility allowance* is necessary because there are no economically, environmentally, and technologically feasible modifications to the proposed project that would result in no degradation;

(b) the proposed project will result in important economic or social development ~~and that the benefit of the development exceeds the costs to society of allowing degradation of~~ *in the area that the* high-quality waters *are located*;

(c) existing and anticipated use of state waters will be fully protected; and

(d) the least degrading water quality protection practices determined by the department to be economically, environmentally, and technologically feasible will be fully implemented by the applicant prior to and during the proposed activity.

(4) The department shall issue a preliminary decision either denying or authorizing ~~degradation~~ *the feasibility allowance* and shall provide public notice and a 30-day comment period prior to issuing a final decision. The department's preliminary and final decisions must include:

(a) a statement of the basis for the decision; and

(b) a detailed description of all conditions applied to ~~any authorization to degrade state waters~~ *a feasibility allowance*, including, when applicable, monitoring requirements, required water protection practices, reporting requirements, effluent limits, designation of the mixing zones, the limits of

~~degradation~~ *the* authorized *feasibility allowance*, and methods of determining compliance with the ~~authorization for degradation~~ *feasibility allowance*.

(5) An interested person wishing to challenge a final department decision may request a hearing before the board within 30 days of the final department decision. The contested case procedures of Title 2, chapter 4, part 6, apply to a hearing under this section.

(6) Periodically, but not more often than every 5 years, the department may review ~~authorizations to degrade~~ *feasibility allowances for* state waters. Following the review, the department may, after timely notice and opportunity for hearing, modify the ~~authorization~~ *feasibility allowance* if the department determines that an economically, environmentally, and technologically feasible modification to the development exists. The decision by the department to modify ~~an authorization~~ *a feasibility allowance* may be appealed to the board.

(7) The department may not issue ~~an authorization to degrade~~ *a feasibility allowance for* state waters that are classified as outstanding resource waters.

(8) The department shall adopt rules to implement this section."

Section 4. Section 75-5-316, MCA, is amended to read:

"**75-5-316. Outstanding resource water classification -- rules -- criteria -- limitations -- procedure -- definition.** (1) As provided under the provisions of 75-5-301 and this section, the department may adopt rules regarding the classification of waters as outstanding resource waters.

(2) The department may not:

(a) grant ~~an authorization to degrade~~ *a feasibility allowance* under 75-5-303 in outstanding resource waters; or

(b) allow a new or increased point source discharge that would result in a permanent change in the water quality of an outstanding resource water.

(3) (a) A person may petition the department for rulemaking to classify state waters as outstanding resource waters. The department shall initially review a petition against the criteria identified in subsection (3)(c) to determine whether the petition contains sufficient credible information for the department to accept the petition.

(b) The department may reject a petition without further review if it determines that the petition does not contain the sufficient credible information required by subsection (3)(a). If the department rejects a petition under this subsection (3)(b), it shall specify in writing the reasons for the rejection and the petition's deficiencies.

(c) The department may not adopt a rule classifying state waters as outstanding resource waters until it accepts a petition and makes a written finding containing the provisions enumerated in subsection (3)(d) that, based on a preponderance of the evidence:

(i) the waters identified in the petition constitute an outstanding resource based on the criteria provided in subsection (4);

(ii) the increased protection under the classification is necessary to protect the outstanding resource identified under subsection (3)(a) because of a finding that the outstanding resource is at risk of having one or more of the criteria provided in subsection (4) compromised as a result of pollution; and

(iii) classification as an outstanding resource water is necessary because of a finding that there is no other effective process available that will achieve the necessary protection.

(d) The written finding provided for in subsection (3)(c) must:

(i) identify the criteria provided in subsection (4) that serve as justification for the determination that the water is an outstanding resource;

(ii) specifically identify the criteria that are at risk and explain why those criteria are at risk; and

(iii) specifically explain why other available processes, including the requirements of 75-5-303, will not achieve the necessary protection.

(4) The department shall consider the following criteria in determining whether certain state waters are outstanding resource waters. However, the department may determine that compliance with one or more of these criteria is insufficient to warrant classification of the water as an outstanding resource water. The department shall consider:

(a) whether the waters have been designated as wild and scenic;

(b) the presence of endangered or threatened species in the waters;

(c) the presence of an outstanding recreational fishery in the waters;

(d) whether the waters provide the only source of suitable water for a municipality or industry;

(e) whether the waters provide the only source of suitable water for domestic water supply; and

(f) other factors that indicate outstanding environmental or economic values not specifically mentioned in this subsection (4).

(5) Before accepting a petition, the department shall:

(a) publish a notice and brief description of the petition in a daily newspaper of general circulation in the area affected and make copies of the proposal available to the public. The cost of publication must be paid by the petitioner.

(b) provide for a 30-day written public comment period regarding whether the petition contains sufficient credible information, as provided in subsection (3)(b), prior to the hearing required in subsection (5)(c);

(c) hold a public hearing regarding the petition and its contents and allow further written and oral testimony at the hearing;

(d) issue a proposed decision, including:

(i) the written finding provided for in subsection (3)(c); and

(ii) the department's acceptance or rejection of the petition;

(e) provide for a 30-day public comment period regarding the department's proposed decision; and

(f) issue a final decision on acceptance or rejection of the petition, which must include a response to comments received by the department, and make copies of this decision available to the public.

(6) (a) After acceptance of a petition, the department shall prepare an environmental impact statement, as provided under Title 75, chapter 1, part 2, and this section.

(b) (i) The petitioner is responsible for all of the costs associated with gathering and compiling data and information, and completing the environmental impact statement.

(ii) Before the department may initiate work on the environmental impact statement, the petitioner shall pay the estimated cost of completing the environmental impact statement, as determined by the department.

(iii) Upon completion of the environmental impact statement, the petitioner shall pay the department any costs that exceeded the estimated cost. If the cost of the environmental impact statement was less than the estimated cost paid by the petitioner, the department shall reimburse the difference to the petitioner.

(iv) The department may not grant or deny a petition until full payment for the environmental impact statement is received.

(7) The department shall consult with other relevant state agencies and county governments when reviewing outstanding resource water classification petitions.

(8) (a) After completion of an environmental impact statement and consultation with state agencies and local governments, the department may deny an accepted outstanding resource water classification petition if it finds that:

(i) the requirements of subsection (3)(c) have not been met; or

(ii) based on information available to the department from the environmental impact statement or otherwise, approving the outstanding resource waters classification petition would cause significant adverse environmental, social, or economic impacts.

(b) If the department denies the petition, it shall identify its reasons for petition denial.

(c) If the department grants the petition, the department shall initiate rulemaking to classify the waters as outstanding resource waters.

(9) A rule classifying state waters as outstanding resource waters under this section may be adopted but is not effective until approved by the legislature.

(10) The department may not postpone or deny an application for ~~an authorization to degrade state waters~~ *a feasibility allowance* under 75-5-303 based on pending:

(a) department action on an outstanding resource water classification petition regarding those waters; or

(b) legislative approval of department action designating those waters as outstanding resource waters.

(11) As used in this section, "petitioner" means an individual, corporation, partnership, firm, association, or other private or public entity that petitions the department to adopt rules to classify waters as outstanding resource waters."

Section 5. Section 75-5-516, MCA, is amended to read:

"**75-5-516. Fees authorized for recovery -- process -- rulemaking.** (1) Except as provided in subsections (12) and (13), the department shall by rule prescribe fees sufficient to cover the department's documented costs, both direct and indirect, of:

(a) reviewing and acting upon an application for a permit, permit modification, permit renewal, certificate, license, or other authorization required by rule under 75-5-201 or 75-5-401;

(b) reviewing and acting upon a petition for a ~~degradation~~ *feasibility* allowance under 75-5-303;

(c) reviewing and acting upon an application for a permit, certificate, license, or other authorization for which an exclusion is provided by rule from the permitting requirements established under 75-5-401;

(d) enforcing the terms and conditions of a permit or authorization identified in subsections (1)(a) through (1)(c). If the permit or authorization is not issued, the department shall return this portion of any application fee to the applicant.

(e) conducting compliance inspections and monitoring effluent and ambient water quality; and

(f) preparing water quality rules or guidance documents.

(2) Except as provided in subsection (12), the rules promulgated under this section must include:

(a) a fee on all applications for permits or authorizations, as identified in subsections (1)(a) through (1)(c), that recovers to the extent permitted by this subsection (2) the department's cost of reviewing and acting upon the applications. This fee may not be more than $5,000 per discharge point for an application addressed under subsection (1), except that an application with multiple discharge points may be assessed a lower fee for those points according to rule.

(b) an annual fee to be assessed according to the volume and concentration of waste discharged into state waters. The annual fee may not be more than $3,000 per million gallons discharged per day on an annual average for any activity under permit or authorization, as described in subsection (1), except that:

(i) a permit or authorization with multiple discharge points may be assessed a lower fee for those points according to rule; and

(ii) a facility that consistently discharges effluent at less than or equal to one-half of its effluent limitations and that is in compliance with other permit requirements, using the previous calendar year's discharge data, is entitled to a 25% reduction in its annual permit fee. Proportionate reductions of up to 25% of the permit fee may be given to facilities that consistently discharge effluent at levels between 50% and 100% of their effluent limitations. However, a new permittee is not eligible for a fee reduction in its first year of operation, and a permittee with a violation of any effluent limit during the previous calendar year is not eligible for a fee reduction for the following year.

(3) To the extent permitted under subsection (2)(b), the annual fee must be sufficient to pay the department's estimated cost of conducting all tasks described under subsection (1) after subtracting:

(a) the fees collected under subsection (2)(a);

(b) state general fund appropriations for functions administered under this chapter; and

(c) federal grants for functions administered under this chapter.

(4) For purposes of subsection (3), the department's estimated cost of conducting the tasks described under subsection (1) is the amount authorized by the legislature for the department's water quality discharge permit programs.

(5) If the applicant or holder fails to pay a fee assessed under this section or rules adopted under this section within 90 days after the date established by rule for fee payment, the department may:

(a) impose an additional assessment consisting of not more than 20% of the fee plus interest on the required fee computed as provided in 15-1-216; or

(b) suspend the permit or exclusion. The department may lift the suspension at any time up to 1 year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments, and interest imposed under subsection (5)(a).

(6) Fees collected pursuant to this section must be deposited in an account in the special revenue fund type pursuant to 75-5-517.

(7) The department shall give written notice to each person assessed a fee under this section of the amount of fee that is assessed and the basis for the department's calculation of the fee. This notice must be issued at least 30 days prior to the due date for payment of the assessment.

(8) A holder of or an applicant for a permit, certificate, or license may appeal the department's fee assessment to the board within 20 days after receiving written notice of the fee determination under subsection (7). The appeal must include a written statement detailing the reasons that the permitholder or applicant considers the department's fee assessment to be erroneous or excessive.

(9) If part of the department's fee assessment is not in dispute in an appeal filed under subsection (8), the undisputed portion of the fee must be paid to the department upon written request of the department.

(10) The contested case provisions of the Montana Administrative Procedure Act, provided for in Title 2, chapter 4, part 6, apply to a hearing before the board under this section.

(11) A municipality may raise rates to cover costs associated with the fees prescribed in this section for a public sewer system without the hearing required in 69-7-111.

(12) (a) The application fee assessed pursuant to this section for a suction dredge, as described in 82-4-310(2), may not be more than:

(i) $25 if it is owned and operated by a resident of this state; or

(ii) $100 if it is owned and operated by a nonresident of this state.

(b) The annual fee assessed pursuant to this section for a suction dredge, as described in 82-4-310(2), may not be more than:

(i) $25 if it is owned and operated by a resident of this state; or

(ii) $100 if it is owned and operated by a nonresident of this state.

(13) A county, an incorporated city or town, or a conservation district formed pursuant to Title 76, chapter 15, is not subject to fees for authorizations pursuant to 75-5-318 or certifications related to section 401 of the federal Clean Water Act, 33 U.S.C. 1341."

Section 6. Section 75-5-605, MCA, is amended to read:

"**75-5-605. Prohibited activity -- exemption.** (1) It is unlawful to:

(a) cause pollution, as defined in 75-5-103, of any state waters or to place or cause to be placed any wastes where they will cause pollution of any state waters. Any placement of materials that is authorized by a permit issued by any state or federal agency is not a placement of wastes within the prohibition of this subsection (1)(a) if the agency's permitting authority includes provisions for review of the placement of materials to ensure that it will not cause pollution of state waters.

(b) violate any provision set forth in a permit or stipulation, including but not limited to limitations and conditions contained in the permit;

(c) cause degradation of state waters without ~~authorization~~ *a feasibility allowance* pursuant to 75-5-303;

(d) violate any order issued pursuant to this chapter; or

(e) violate any provision of this chapter.

(2) Except for the permit exclusions identified in 75-5-401(5), it is unlawful to carry on any of the following activities without a current permit from the department:

(a) construct, modify, or operate a disposal system that discharges into any state waters;

(b) construct or use any outlet for the discharge of sewage, industrial wastes, or other wastes into any state waters; or

(c) discharge sewage, industrial wastes, or other wastes into any state waters.

(3) Activities associated with routine or periodic maintenance, repair, replacement, or operation of irrigation water conveyance systems, including activities associated with any constructed channel, canal, ditch, pipeline, or portion of any constructed channel, canal, ditch, or pipeline, are not prohibited activities under this chapter if the activities do not result in exceeding water quality standards for any receiving water outside the irrigation water conveyance system. The diversion of water in accordance with an existing water right or permit pursuant to Title 85, chapter 2, is not a prohibited activity under this chapter."

Section 7. Department to amend rules. The department shall amend ARM 17.30.707 and 17.30.708 to add references to feasibility allowances.

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Effective date. [This act] is effective on passage and approval.

Approved May 13, 2025

CHAPTER NO. 713

[HB 686]

AN ACT GENERALLY REVISING LAWS RELATED TO PHYSICIAN ASSISTANTS; INCREASING PHYSICIAN ASSISTANT MEMBERSHIP ON THE BOARD OF MEDICAL EXAMINERS; AND AMENDING SECTION 2-15-1731, MCA.

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

Section 1. Section 2-15-1731, MCA, is amended to read:

"**2-15-1731. Board of medical examiners.** (1) In accordance with 37-1-123, there is a Montana state board of medical examiners.

(2) The board consists of ~~12~~ *14* members:

(a) five doctors of medicine, including one with experience in emergency medicine, none of whom may be from the same county;

(b) one doctor of osteopathy;

(c) one podiatrist;

(d) one nutritionist;

~~(e) one physician assistant;~~

(e) three physician assistants;

~~(f)~~*(f)* one emergency care provider, as defined in 50-6-202, who may be a volunteer emergency care provider; and

~~(g)~~*(g)* two public members.

(3) The board is allocated to the department as prescribed in 2-15-121."

Approved May 13, 2025

CHAPTER NO. 714

[HB 690]

AN ACT GENERALLY REVISING CHILD ABUSE AND NEGLECT LAWS; CLARIFYING THAT CERTAIN DEFINITIONS OF ABUSE AND NEGLECT DO NOT INCLUDE REFERRING TO OR RAISING A CHILD IN A MANNER CONSISTENT WITH THE CHILD'S BIOLOGICAL SEX; PROVIDING THAT A MEMBER OF THE UNITED STATES CONGRESS OR THE MONTANA LEGISLATURE MAY NOT DISCLOSE INFORMATION TO A PARENT OR GUARDIAN THAT IS SUBJECT TO ATTORNEY-CLIENT PRIVILEGE; PROVIDING AN EXCEPTION; PROVIDING THAT A MEMBER MAY CHALLENGE THE DEPARTMENT'S DESIGNATION OF A RECORD AS ATTORNEY-CLIENT PRIVILEGED; AND AMENDING SECTIONS 41-3-102 AND 41-3-205, MCA.

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

Section 1. Section 41-3-102, MCA, is amended to read:

"**41-3-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:

(1) (a) "Abandon", "abandoned", and "abandonment" mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare;

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or

(C) any form of child sex trafficking or human trafficking.

(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, are applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).

(d) The term does not include:

(i) self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child; or

(ii) a youth not receiving supervision solely because of parental inability to control the youth's behavior.

(8) "Child protection specialist" means an employee of the department who investigates allegations of child abuse, neglect, and endangerment and has been certified pursuant to 41-3-127.

(9) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(10) "Decline to prosecute" means a decision not to file criminal charges based on the matter reported by the department or investigation by law enforcement for any reason, including but not limited to insufficient evidence.

(11) "Department" means the department of public health and human services provided for in 2-15-2201.

(12) "Family engagement meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(13) "Indian child" has the meaning provided in 41-3-1303.

(14) "Indian child's tribe" has the meaning provided in 41-3-1303.

(15) "Indian custodian" has the meaning provided in 41-3-1303.

(16) "Indian tribe" has the meaning provided in 41-3-1303.

(17) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(18) "Parent" means a biological or adoptive parent or stepparent.

(19) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(20) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(21) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(22) "Physical neglect" means:

(a) failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions;

(b) failure to provide cleanliness and general supervision, or both;

(c) exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child;

(d) allowing sexual abuse or exploitation of the child; or

(e) causing malnutrition or a failure to thrive.

(23) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted on the child physical abuse, physical neglect, or psychological abuse or neglect.

(24) (a) "Protective services" means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, written prevention plans provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

(25) (a) "Psychological abuse or neglect" means severe maltreatment, through acts or omissions, that is injurious to the child's intellectual or psychological capacity to function and that is identified as psychological abuse or neglect by a licensed psychologist, a licensed professional counselor, a licensed clinical social worker, a licensed psychiatrist, a licensed pediatrician, or a licensed advanced practice registered nurse with a focused practice in psychiatry.

(b) The term includes but is not limited to the commission of acts of violence against another person residing in the child's home.

(c) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

(26) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, means:

(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to a family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

(27) "Qualified individual" means a trained professional or licensed clinician who:

(a) has expertise in the therapeutic needs assessment used for placement of youth in a therapeutic group home;

(b) is not an employee of the department; and

(c) is not connected to or affiliated with any placement setting in which children are placed.

(28) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

(29) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

(30) "Safety and risk assessment" means an evaluation by a child protection specialist following an initial report of child abuse or neglect to assess the following:

(a) the existing threat or threats to the child's safety;

(b) the protective capabilities of the parent or guardian;

(c) any particular vulnerabilities of the child;

(d) any interventions required to protect the child; and

(e) the likelihood of future physical or psychological harm to the child.

(31) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, aggravated sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

(32) "Sexual exploitation" means:

(a) allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601;

(b) allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625; or

(c) allowing, permitting, or encouraging sex trafficking as described in 45-5-702, 45-5-705, 45-5-706, or 45-5-711.

(33) "Therapeutic needs assessment" means an assessment performed by a qualified individual within 30 days of placement of a child in a therapeutic group home that:

(a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool;

(b) determines whether the needs of the child can be met with family members or through placement in a youth foster home or, if not, which appropriate setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child as specified in the child's permanency plan; and

(c) develops a list of child-specific short-term and long-term mental and behavioral health goals.

(34) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties, if necessary, for protective services.

(35) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (35), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

(36) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)

41-3-102. (Effective July 1, 2025) Definitions. As used in this chapter, the following definitions apply:

(1) (a) "Abandon", "abandoned", and "abandonment" mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) *(a)* "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(b) The term does not include a child who has been referred to or raised in a manner consistent with the child's biological sex, including in the making of related mental health or medical decisions.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare;

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or

(C) any form of child sex trafficking or human trafficking.

(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act is applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).

(d) The term does not include:

(i) self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child; ~~or~~

(ii) a youth not receiving supervision solely because of parental inability to control the youth's behavior*; or*

(iii) referring to and raising the child in a manner consistent with the child's biological sex, including in the making of related mental health or medical decisions.

(8) "Child protection specialist" means an employee of the department who investigates allegations of child abuse, neglect, and endangerment and has been certified pursuant to 41-3-127.

(9) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(10) "Decline to prosecute" means a decision not to file criminal charges based on the matter reported by the department or investigation by law enforcement for any reason, including but not limited to insufficient evidence.

(11) "Department" means the department of public health and human services provided for in 2-15-2201.

(12) "Family engagement meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(13) "Indian child" means any unmarried person who is under 18 years of age and who is either:

(a) a member of an Indian tribe; or

(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(14) "Indian child's tribe" means:

(a) the Indian tribe in which an Indian child is a member or eligible for membership; or

(b) in the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, the Indian tribe with which the Indian child has the more significant contacts.

(15) "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control have been transferred by the child's parent.

(16) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized by:

(a) the state of Montana; or

(b) the United States secretary of the interior as being eligible for the services provided to Indians or because of the group's status as Indians, including any Alaskan native village as defined in federal law.

(17) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(18) "Parent" means a biological or adoptive parent or stepparent.

(19) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(20) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(21) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(22) *(a)* "Physical neglect" means:

~~(a)~~*(i)* failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions;

~~(b)~~*(ii)* failure to provide cleanliness and general supervision, or both;

~~(c)~~*(iii)* exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child;

~~(d)~~*(iv)* allowing sexual abuse or exploitation of the child; or

~~(e)~~*(v)* causing malnutrition or a failure to thrive.

(b) The term does not include referring to and raising the child in a manner consistent with the child's biological sex, including in the making of related mental health or medical decisions.

(23) *(a)* "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted on the child physical abuse, physical neglect, or psychological abuse or neglect.

(b) The term does not include referring to and raising the child in a manner consistent with the child's biological sex, including in the making of related mental health or medical decisions.

(24) (a) "Protective services" means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, written prevention plans provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

(25) (a) "Psychological abuse or neglect" means severe maltreatment, through acts or omissions, that is injurious to the child's intellectual or psychological capacity to function and that is identified as psychological abuse or neglect by a licensed psychologist, a licensed professional counselor, a licensed clinical social worker, a licensed psychiatrist, a licensed pediatrician, or a licensed advanced practice registered nurse with a focused practice in psychiatry.

(b) The term includes but is not limited to the commission of acts of violence against another person residing in the child's home.

(c) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

(d) The term does not include referring to and raising the child in a manner consistent with the child's biological sex, including in the making of related mental health or medical decisions.

(26) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act means:

(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

(27) "Qualified individual" means a trained professional or licensed clinician who:

(a) has expertise in the therapeutic needs assessment used for placement of youth in a therapeutic group home;

(b) is not an employee of the department; and

(c) is not connected to or affiliated with any placement setting in which children are placed.

(28) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

(29) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

(30) "Safety and risk assessment" means an evaluation by a child protection specialist following an initial report of child abuse or neglect to assess the following:

(a) the existing threat or threats to the child's safety;

(b) the protective capabilities of the parent or guardian;

(c) any particular vulnerabilities of the child;

(d) any interventions required to protect the child; and

(e) the likelihood of future physical or psychological harm to the child.

(31) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, aggravated sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

(32) "Sexual exploitation" means:

(a) allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601;

(b) allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625; or

(c) allowing, permitting, or encouraging sex trafficking as described in 45-5-702, 45-5-705, 45-5-706, or 45-5-711.

(33) "Therapeutic needs assessment" means an assessment performed by a qualified individual within 30 days of placement of a child in a therapeutic group home that:

(a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool;

(b) determines whether the needs of the child can be met with family members or through placement in a youth foster home or, if not, which appropriate setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child as specified in the child's permanency plan; and

(c) develops a list of child-specific short-term and long-term mental and behavioral health goals.

(34) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties, if necessary, for protective services.

(35) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (35), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

(36) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned."

Section 2. Section 41-3-205, MCA, is amended to read:

"**41-3-205. Confidentiality -- disclosure exceptions.** (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections (9) and (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, must, upon request, be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family engagement meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children posed by the person about whom the information is sought, as determined by the department.

(p) the news media, if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act [or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13];

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a child protection specialist, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county or regional interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; and

(B) receives from the department an orientation of the content and structure of the records. The orientation must include a checklist of documents that are regularly included in records, including but not limited to the following:

(I) any petition filed pursuant to Title 41, chapter 3, part 4, including any supporting affidavits and evidence;

(II) any court orders issued pursuant to Title 41, chapter 3, parts 4 and 6;

(III) notes from family engagement meetings and foster care review meetings; and

(IV) notes included in electronic case records or in case files maintained in local offices regarding staffing and interactions with parents or legal guardians, providers, or attorneys.

(b) (i) Without disclosing the identity of a person who reported the alleged child abuse or neglect, the department shall make available to the member all records concerning the child who is the subject of the written inquiry.

(ii) Except as provided in subsection (4)(b)(iii), records disclosed pursuant to this subsection (4) are confidential, may not be copied, photographed, or otherwise replicated by the member, and must remain solely in the department's possession. The member must be allowed to view the records in the local office where the case is or was active.

(iii) *(A)* A member may take notes to discuss the records with a parent or legal guardian about whom a report of alleged child abuse or neglect is made.

(B) The member may not disclose information to the parent or legal guardian that has been designated by the department in writing as subject to attorney-client privilege. If the requirements of subsection (4)(a) have been complied with, the right of a member to discuss records with a parent or legal guardian about whom a report of alleged abuse or neglect is made may not be limited unless the department has provided the member with a listing of documents designated as subject to attorney-client privilege.

(C) A member may challenge the department's designation of records as subject to attorney-client privilege in district court. All court filings must be filed under seal so as to preserve the privilege asserted. If the member retains an attorney to challenge the designation of a record as attorney-client privileged, the attorney shall sign a confidentiality agreement with the department.

(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department.

(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances constituting the criminal manufacture or distribution of dangerous drugs.

(c) (i) The department shall promptly disclose the results of an investigation to an individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the determination that:

(A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

(B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession of a Schedule I or Schedule II drug that is prohibited by state law.

(ii) For the purposes of this subsection (5)(c), exposure occurs when a child is caused or permitted to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law or have contact with drug paraphernalia as defined in 45-10-101.

(d) (i) Except as provided in subsection (5)(d)(ii), the records described in subsection (3) must be released within 5 business days to the county attorney of the county in which the acts that are the subject of a report occurred upon the department's receipt of a report that includes an allegation of sexual abuse or sexual exploitation. The department shall also report to any other appropriate individual described in subsection (5)(a) and to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211.

(ii) If the exception in 41-3-202(1)(b) applies, a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault shall report to the department as provided in this part without disclosing the

names of the victim and the alleged perpetrator of sexual abuse or sexual exploitation.

(iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as described in Title 7, chapter 32, in the jurisdiction where the alleged abuse occurred.

(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a), (4)(b)(iii), and (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost. (Bracketed language in subsection (3)(r) terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)"

Approved May 13, 2025

CHAPTER NO. 715

[HB 725]

AN ACT GENERALLY REVISING THE APPOINTMENT OR ELECTION OF COMMITTEE REPRESENTATIVES; PROVIDING THAT AN INDIVIDUAL MAY NOT BE APPOINTED OR ELECTED TO SERVE AS A COMMITTEE REPRESENTATIVE FOR MORE THAN ONE POLITICAL PARTY IN THE SAME TERM; AND AMENDING SECTION 13-38-201, MCA.

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

Section 1. Section 13-38-201, MCA, is amended to read:

"**13-38-201. Election or appointment of committee representatives at primary -- vacancies -- tie votes.** (1) Each political party shall appoint or

elect at each primary election one person of each sex, as defined in 1-1-201, to serve as committee representatives for each election precinct. The committee representatives must be residents and registered voters of the precinct. *An individual may not be appointed or elected to serve as a committee representative for more than one political party during the same 2-year term.*

(2) If a political party chooses to appoint precinct committee representatives, the political party shall make the appointments as provided in the party's rules.

(3) If a political party chooses to elect precinct committee representatives, the party may:

(a) administer the election itself as provided in the party's rules; or

(b) elect precinct committee representatives in a primary election, subject to 13-10-209 and subsection (4) of this section.

(4) In a primary election for a precinct committee representative:

(a) if the number of candidates nominated for a party's precinct committee representatives is less than or equal to the number of positions to be elected, the election administrator may give notice that a party's precinct committee election will not be held in that precinct;

(b) if a party precinct committee election is not held pursuant to subsection (4)(a), the election administrator shall declare elected by acclamation the candidate who filed for the position or who filed a declaration of intent to be a write-in candidate. The election administrator shall issue a certificate of election to the designated party.

(c) write-in votes for a precinct committee representative may be counted as specified in 13-15-206(5) only if the individual whose name is written in has filed a declaration of intent as a write-in candidate by the deadline prescribed in 13-10-211(1);

(d) in the case of a tie vote for a precinct committee representative position, the county central committee shall determine a winner.

(5) Pursuant to 13-38-101, a vacancy in a precinct committee representative position must be filled by the party governing body as provided in its rules."

Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Approved May 13, 2025

CHAPTER NO. 716

[HB 745]

AN ACT REVISING SCHOOL LAWS TO ENHANCE STUDENT SAFETY; REQUIRING SCHOOL DISTRICTS TO ADOPT A STUDENT PROTECTION POLICY THAT REQUIRES BACKGROUND CHECKS FOR ANY INDIVIDUAL WHO MAY HAVE UNSUPERVISED CONTACT WITH STUDENTS; REQUIRING SCHOOL DISTRICTS WHO FAIL TO COMPLY WITH THEIR STUDENT PROTECTION POLICY TO SUBMIT A CORRECTION PLAN WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION; REQUIRING BACKGROUND CHECKS FOR EDUCATOR LICENSURE; AMENDING SECTIONS 20-3-323, 20-3-324, AND 20-4-104, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 20-3-323, MCA, is amended to read:

"**20-3-323. District policy and record of acts.** (1) The trustees of each district shall prescribe and enforce policies for the government of the district. In order to provide a comprehensive system of governing the district, the trustees shall:

(a) adopt the policies required by this title;

(b) adopt policies to implement or administer the requirements of the general law, this title, the policies of the board of public education, and the rules of the superintendent of public instruction; ~~and~~

(c) adopt a grievance policy that provides for informal and formal resolutions of a complaint, informs a grievant about the grievance policy, provides a printed version of the grievance policy on request, and accepts for filing a formal complaint submitted within 30 days of the completion of an informal resolution*; and*

(d) adopt a student protection policy requiring that prior to the district allowing an individual, regardless of employment status with the district, unsupervised contact with students while in school, at a school-sponsored activity, or in transit to a school-sponsored activity:

(i) the individual has completed a fingerprint-based national criminal history background check pursuant to the educator licensure policies of the board of public education; or

(ii) (A) the individual has provided to the Montana department of justice information and material sufficient to obtain a fingerprint-based national criminal history background check; and

(B) the trustees, the superintendent of the district, or another individual designated by the trustees has reviewed the results of the background check.

(2) The trustees shall keep a full and permanent record of all adopted policies and all other acts of the trustees. Minutes of each regular and special board meeting shall include wording of motions, voting records of each trustee present, and all other pertinent information, including a detailed statement of all expenditures of money with the name of any person or business to whom payment is made and showing the service rendered or goods furnished. A written copy of the minutes shall be made available within 5 working days following the approval of the minutes by the board at a cost of no more than 15 cents a page to be paid by those who request such a copy. One free copy of the minutes shall be provided to the local press within 5 working days following the approval of the minutes by the board. The board shall approve the minutes of each special and regular meeting no later than 1 month following the meeting if it meets on a regular monthly basis. If a board does not regularly meet on a monthly basis, it shall approve the minutes of each special and regular meeting at the next regular or special meeting. The approval of the minutes of a prior meeting shall not occur more than 40 days after the meeting, except that no board shall be required to meet to approve the minutes of a meeting at which no substantive business was conducted."

Section 2. Section 20-3-324, MCA, is amended to read:

"**20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of a district shall exercise supervision and control of the schools of the district in providing its educational program pursuant to Article X, section 8, of the Montana constitution, and shall:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher's aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the school districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) establish the ANB, BASE budget levy, over-BASE budget levy, and operating reserve amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal cooperative fund, and other funds as authorized by the state superintendent of public instruction in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) set the length of the school term, school day, and school week in accordance with 20-1-302;

(18) establish and maintain the educational program of the schools of the district in accordance with the provisions of the instructional services, textbooks, K-12 career and vocational/technical education, and special education parts of this title. In undertaking its duties related to the district's educational program, the board of trustees may:

(a) waive any specific course requirement otherwise required for graduation based on individual student needs and performance levels, age, maturity,

interest, and aspirations of the pupil, in consultation with the pupil's parents or guardians; and

(b) provide credit for a course satisfactorily completed in a period of time shorter or longer than normally required as set forth in 20-9-311(4)(d) or through content proficiency gained through alternative means. Examples of alternative means by which content proficiency may be achieved include but are not limited to correspondence, extension, and distance learning courses, adult education, summer school, work study, work-based learning partnerships, and other experiential learning opportunities, custom-designed courses, and challenges to current courses. Montana schools shall accept units of credit taken with the approval of the accredited Montana school in which the student was then enrolled and which appear on the student's official school transcript.

(19) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(20) make reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

(21) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;

(22) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except that trustees from a first-class school district may share the responsibility for visiting each school in the district;

(23) procure and display outside daily in suitable weather on school days at each school of the district an American flag representing the United States and manufactured in the United States that measures not less than 3 feet by 5 feet;

(24) provide that an American flag representing the United States and manufactured in the United States that measures at least 16 inches by 24 inches be prominently displayed in each classroom in each school of the district no later than the beginning of the school year, except in a classroom in which the flag may get soiled. Districts are encouraged to work with military organizations and civic groups to acquire flags through donation, and this requirement is waived if the flags are not provided by a military organization or civic group.

(25) for grades 7 through 12, provide that legible copies of the United States constitution, the United States bill of rights, and the Montana constitution printed in the United States or in electronic form are readily available in every classroom no later than the beginning of the school year. Districts are encouraged to work with civic groups to acquire the documents through donation, and this requirement is waived if the documents are not provided by a civic group.

(26) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

(27) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education;

(28) consider and may enter into an interlocal agreement with a postsecondary institution, as defined in 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available only at a postsecondary institution;

(29) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of 20-1-303; ~~and~~

(30) submit a plan to correct the noncompliance and prevent future instances of noncompliance to the superintendent of public instruction for failure to implement the district's student protection policy required in 20-3-323(1)(d); and

~~(30)~~*(31)* perform any other duty and enforce any other requirements for the governance of the schools pursuant to the constitutional power of supervision and control of schools vested in elected school boards pursuant to Article X, section 8, of the Montana constitution as prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction."

Section 3. Section 20-4-104, MCA, is amended to read:

"**20-4-104. Qualifications.** (1) A person may be certified as a teacher when the person satisfies the following qualifications. The person:

(a) is 18 years of age or older;

(b) is of good moral and professional character *and has completed a fingerprint-based national criminal history background check pursuant to the educator licensure policies of the board of public education*;

(c) (i) has completed the teacher education program of a unit of the Montana university system or an essentially equivalent program at an accredited institution of equal rank and standing as that of any unit of the Montana university system, and the training is evidenced by at least a bachelor's degree and a certification of the completion of the teacher education program, except as provided for in 20-4-106(1)(d);

(ii) possesses a current certification from the national board for professional teaching standards;

(iii) possesses a current educator license from another state or country and successful experience as determined by the board of public education; or

(iv) has completed the alternative teacher certification and endorsement program provided for in 20-4-120; and

(d) has subscribed to the following oath or affirmation before an officer authorized by law to administer oaths:

"I solemnly swear (or affirm) that I will support The Constitution of the United States of America and The Constitution of the State of Montana."

(2) Any person may be certified as a specialist when the person satisfies the requirements of subsections (1)(a) and (1)(b) and the requirement for a specialist certificate provided in 20-4-106(2)."

Section 4. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 717

[HB 756]

AN ACT REVISING THE MONTANA MUSEUMS ACT OF 2020; REVISING THE CRITERIA USED TO MAKE RECOMMENDATIONS FOR GRANTS AWARDED UNDER THE HISTORIC PRESERVATION GRANT PROGRAM; AND AMENDING SECTION 22-3-1306, MCA.

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

Section 1. Section 22-3-1306, MCA, is amended to read:

"**22-3-1306. Priorities for funding -- rulemaking.** (1) The department of commerce shall make recommendations for grants awarded under the

historic preservation grant program to eligible entities for the preservation of historic sites, historical societies, or history museums in the state.

(2) Projects funded under this section must provide that a significant portion of the facility be open to public access and use. Projects that confer ~~only a private~~ *a limited public* benefit are not eligible.

(3) The recommendations must be based on competitive criteria created by the department, as guided by the legislature. The criteria may include:

(a) *the degree to which the project will protect:*

(i) the building envelope, consisting of the structure's walls, roof, doors and windows, and foundation; and

(ii) its internal utility systems, including electricity, plumbing, and heat;

(b) the degree of economic stimulus or economic activity, including job creation and work creation for Montana contractors and service workers;

~~(b)~~*(c)* the purpose of the project, including whether it provides features that establish or enhance security, climate control, or fire protection for museums or address infrastructure, maintenance, or building code issues *at historic sites*;

~~(c)~~*(d)* the timing of the project, including access to matching funds, if needed, and approval of permits so that work can be completed without delay;

~~(d)~~*(e)* the historic or heritage value related to the state of Montana;

~~(e)~~*(f)* the successful track record or experience of the organization directing the project;

~~(f) the expected ongoing economic benefit to the state as a result of the project completion;~~

~~(g) the degree of local contribution to the project; and~~

~~(h)~~*(g)* the anticipated public benefit, including the extent the site or building will be open to the public and the degree of immediate facility use after project completion*; and*

(h) the degree of local contribution to the project. For-profit entities must provide a match equal to $1 for every $1 of grant funding received.

(4) The department of commerce shall adopt rules necessary to implement the historic preservation grant program. In adopting rules, the department shall look to the rules adopted for the Montana coal endowment program, the cultural and aesthetic grant program, and other similar state programs. To the extent feasible, the department shall make the rules compatible with those other programs.

(5) Government applicants shall comply with Article II, sections 8 and 9, of the Montana constitution and with Title 2, chapter 3, parts 1 and 2, and Title 7. Nongovernment applicants are exempt from this provision."

Approved May 13, 2025

CHAPTER NO. 718

[HB 757]

AN ACT GENERALLY REVISING CULTURAL AND AESTHETIC PROJECTS GRANTS; PROVIDING CRITERIA BY WHICH THE CULTURAL AND AESTHETIC PROJECTS ADVISORY COMMITTEE SHALL PRIORITIZE APPLICATIONS FOR GRANTS; PROVIDING AN EXCEPTION ON THE REQUIREMENT TO OBTAIN A FEDERAL SYSTEM FOR AWARD MANAGEMENT NUMBER; AND AMENDING SECTION 22-2-302, MCA.

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

Section 1. Prioritization of cultural and aesthetic projects grant awards -- criteria. After the cultural and aesthetic projects advisory

committee provided for in 2-15-1521 has reviewed the applications to ensure compliance and determine whether the application meets the committee's criteria for funding, the committee shall rank the projects by two criteria as follows:

(1) the status of an applicant's previous grant awards, for which:

(a) first priority will be given to qualified applicants who have not previously received an award;

(b) second priority will be given to applicants who have received one grant award in the previous three funding cycles;

(c) third priority will be given to applicants who have received two grant awards in the previous three funding cycles; and

(d) fourth priority will be given to applicants who have received three grant awards in the previous three funding cycles; and

(2) the size of an applicant's annual operating budget, for which:

(a) first priority will be given to applicants whose total annual operating budget is less than $99,999;

(b) second priority will be given to applicants whose total annual operating budget ranges between $100,000 and $249,999;

(c) third priority will be given to applicants whose total annual operating budget ranges between $250,000 and $499,999; and

(d) fourth priority will be given to applicants whose total annual operating budget is equal to or greater than $500,000.

(3) Between each funding cycle, the committee, in consultation with the budget director, shall increase the budget limits established in subsection (2) to account for inflation.

Section 2. Acquisition of federal system for award management number. Grant applicants for a cultural or aesthetic project whose total program budget does not exceed $100,000 and who do not receive or use federal funds to operate may request a waiver from the committee for the requirement to obtain a federal system for award management number, or SAMs number, if complying with the requirement would be burdensome. The committee may not unreasonably withhold the waiver.

Section 3. Section 22-2-302, MCA, is amended to read:

"**22-2-302. Advisory committee -- powers and duties.** (1) ~~The~~ *Subject to [section 1], the* cultural and aesthetic projects advisory committee provided for in 2-15-1521 shall review all proposals for cultural and aesthetic project grants before they are submitted to the legislature.

(2) Consistent with the rules adopted in accordance with 22-2-303, the committee shall make recommendations to the legislature on each proposal submitted to the committee.

(3) The committee's recommendations to the legislature are advisory only.

(4) The committee shall present its recommendations to the appropriations committee of the legislature by the 15th day of any regular legislative session."

Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 22, chapter 2, part 3, and the provisions of Title 22, chapter 2, part 3, apply to [sections 1 and 2].

Approved May 13, 2025

CHAPTER NO. 719

[HB 760]

AN ACT ESTABLISHING SOLAR CONSUMER PROTECTION LAWS; PROVIDING A SOLAR BUYER'S RIGHT TO CANCEL; PROVIDING TIMELINES; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, electricity demand is projected to increase over 30% west of the Continental Divide and over 20% in the Western Interconnection region over the next years; and

WHEREAS, Montanans have the right to install, interconnect, and use energy generation and storage systems on their property in order to meet their electricity needs, manage their electricity production and consumption, and enhance the reliability and efficiency of the electric grid; and

WHEREAS, sales agents and contractors of customer-sited solar energy systems are responsible for accurately representing total cost, equipment and materials, financing terms, and any relevant permitting fees to support customers in making an informed decision; and

WHEREAS, it is the intent of the Legislature to establish laws that promote fair dealing, honesty, and transparency between solar energy contractors, solar sales agents, and solar buyers.

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

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

(1) "Solar buyer" means a person or entity who purchases or considers to purchase a solar energy system located on a residential property that is owned or leased.

(2) "Solar energy system" means an assembly of equipment and components that has the primary purpose of converting sunlight into electricity by photovoltaic effect for a resident's use for personal, family, or household purposes. The term includes battery storage.

(3) "Solar sales agent" means a person or entity that solicits, offers, negotiates, sells, or executes contracts via door-to-door sales to sell a solar energy system at the direction of, or on behalf of, a solar company.

Section 2. Solar buyer's right to cancel -- prohibition of deceptive statements. (1) A solar sales agent shall provide a customer with an explanation of the customer's recission rights written in all capital letters that includes space for the customer to initial a written acknowledgement of having read and understood the explanation that reads as follows:

"YOU HAVE THE RIGHT TO CANCEL THIS CONTRACT WITHIN 3 BUSINESS DAYS AFTER YOU SIGN THIS CONTRACT. TO CANCEL, YOU MUST NOTIFY IN WRITING THE PERSON IDENTIFIED FOR THIS PURPOSE IN THIS CONTRACT BY E-MAIL OR BY CERTIFIED POSTAL MAIL".

(2) (a) If a solar buyer rescinds an installation contract with a solar company or a solar sales agent representing a solar company within 3 business days following the date on which the solar buyer signed an agreement to purchase and provides their cancellation notice in writing to the solar company or the solar sales agent representing a solar company, the contract is terminated.

(b) A solar company or a solar sales agent representing a solar company may not enforce any terms of the rescinded contract and may not file any claims for labor and materials.

(3) A solar company or a solar sales agent representing a solar company may not conduct solicitations using any deceptive statement concerning the costs, financing, and terms and conditions of the purchase or installation of a solar energy system.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 and 2].

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

Approved May 13, 2025

CHAPTER NO. 720

[HB 768]

AN ACT REVISING LAWS RELATING TO EQUINE ACTIVITY LIABILITY LIMITATIONS; PROVIDING FOR WAIVERS OF LIABILITIES FOR PARTICIPANTS IN EQUINE ACTIVITIES; ALLOWING EQUINE ACTIVITY WAIVERS TO BE LEGALLY CHALLENGED ON OTHER GROUNDS; AND AMENDING SECTION 27-1-727, MCA.

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

Section 1. Section 27-1-727, MCA, is amended to read:

"**27-1-727. Equine activity liability limitations -- *waivers.*** (1) Except as provided in subsections (2) ~~and (3)~~ *through (4)*, an equine activity sponsor or an equine professional is not liable for an injury to or the death of a participant engaged in an equine activity resulting from risks inherent in equine activities.

(2) An equine participant shall act in a safe and responsible manner at all times to avoid injury to the participant and others and to be aware of risks inherent in equine activities.

(3) Subsection (1) does not apply:

(a) if the equine activity sponsor or the equine professional:

(i) provided the equipment or tack and the equipment or tack caused the injury because the equine activity sponsor or equine professional failed to reasonably and prudently inspect or maintain the equipment;

(ii) provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to safely engage in the equine activity and the participant's ability to safely manage the particular equine based on the participant's representations as to the participant's ability;

(iii) owned, leased, rented, or otherwise was in lawful possession and control of the land or facilities upon which the participant sustained injuries caused by a dangerous latent condition that was known or should have been known to the equine activity sponsor or the equine professional;

(iv) committed an act or omission that constituted willful or wanton disregard for the safety of the participant and the act or omission caused the injury; or

(v) intentionally injured the participant; or

(b) in a products liability action.

(4) (a) Any waiver or release for equine activities must:

(i) state known inherent risks of equine activities; and

(ii) contain the following statement in bold typeface:

"By signing this document, you may be waiving your legal right to a jury trial to hold the provider legally responsible for any injuries or damages resulting from risks inherent in equine activities or for any injuries or damages

you may suffer due to the provider's ordinary negligence that are the result of the provider's failure to exercise reasonable care."

(b) Any waiver or release for equine activities may still be challenged on any legal grounds.

(c) Any waiver or release for equine activities that is in compliance with this section is not prohibited by or subject to the provisions of 28-2-702."

Approved May 13, 2025

CHAPTER NO. 721

[HB 769]

AN ACT REVISING THE COMPUTATION OF MEAL ALLOWANCES FOR CERTAIN EMPLOYEES THAT WORK NIGHT-SHIFT HOURS; AMENDING SECTION 2-18-502, MCA.

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

Section 1. Section 2-18-502, MCA, is amended to read:

"**2-18-502. Computation of meal allowance.** (1) Except as provided in subsections (2) and (4), an employee is eligible for the meal allowance provided in 2-18-501, only if the employee is in a travel status for more than 3 continuous hours during the following hours:

(a) for non-night-shift hours:

~~(a)~~*(i)* for the morning meal allowance, between the hours of 12:01 a.m. and 10 a.m.;

~~(b)~~*(ii)* for the midday meal allowance, between the hours of 10:01 a.m. and 3 p.m.; and

~~(c)~~*(iii)* for the evening meal allowance, between the hours of 3:01 p.m. and 12 midnight*;*

(b) for night-shift hours:

(i) for the evening meal allowance, between the hours of 12:01 p.m. and 10 p.m.;

(ii) for the midnight meal allowance, between the hours of 10:01 p.m. and 3 a.m.; and

(iii) for the early morning meal allowance, between the hours of 3:01 a.m. and 12 noon.

(2) An eligible employee may receive:

(a) only one of the three meal allowances provided, if the travel was performed within the employee's assigned travel shift; or

(b) a maximum of two meal allowances if the travel begins before or was completed after the employee's assigned travel shift and the travel did not exceed 24 hours.

(3) "Travel shift" is that period of time beginning 1 hour before and terminating 1 hour after the employee's normally assigned work shift.

(4) An appointed member of a state board, commission, or council or a member of a legislative subcommittee or select or interim committee is entitled to a midday meal allowance on a day the individual is attending a meeting of the board, commission, council, or committee, regardless of proximity of the meeting place to the individual's residence or headquarters. This subsection does not apply to a member of a legislative committee during a legislative session.

(5) The department of administration shall prescribe policies necessary to effectively administer this section for state government."

Approved May 13, 2025

CHAPTER NO. 722

[HB 770]

AN ACT REVISING CAMPAIGN FINANCE REPORTING REQUIREMENTS AND CONSEQUENCES FOR FAILURE TO FILE; CLARIFYING THAT CANDIDATES SHALL FILE REPORTS EVEN IF NO CONTRIBUTIONS OR EXPENDITURES WERE MADE; CLARIFYING THAT FAILURE TO REPORT RESULTS IN REMOVAL FROM THE BALLOT IN AN ELECTION; AND AMENDING SECTION 13-37-226, MCA.

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

Section 1. Section 13-37-226, MCA, is amended to read:

"**13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a candidate shall file reports required by 13-37-225(1)(a)*, even if the candidate has no contributions or expenditures to report,* containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

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

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

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

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

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

(f) as provided by subsection (3).

(2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee or a joint fundraising committee shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

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

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

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

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

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

(f) as provided by subsection (3).

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

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

(b) 20 days after the special election.

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

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

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

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

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

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

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

(10) Failure to comply with reporting requirements under this section will result in a candidate's name not appearing on the official ballot for an election as provided in 13-37-126.

~~(10)~~*(11)* For the purposes of this section:

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

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

Approved May 13, 2025

CHAPTER NO. 723

[HB 775]

AN ACT REPEALING THE SUNSET DATE OF LAWS REGARDING JUDICIAL REVIEW OF WATER RIGHTS; AUTHORIZING WATER COURT REVIEW OF CERTAIN DECISIONS OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; CLARIFYING WATER COURT DUTIES; REPEALING SECTION 6, CHAPTER 126, LAWS OF 2017; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Repealer. Section 6, Chapter 126, Laws of 2017, is repealed.

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

Approved May 13, 2025

CHAPTER NO. 724

[HB 778]

AN ACT GENERALLY REVISING REQUIREMENTS REGARDING HOME SCHOOLS; SEPARATING THE REQUIREMENTS FOR HOME SCHOOLS FROM THE REQUIREMENTS FOR NONPUBLIC SCHOOLS; AMENDING SECTION 20-5-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 20-5-109, MCA, is amended to read:

"**20-5-109. Nonpublic *and home* school requirements for compulsory enrollment exemption.** *(1)* To qualify its students for exemption from compulsory enrollment under 20-5-102, a nonpublic ~~or home~~ school:

~~(1)~~*(a)* shall maintain records on pupil attendance and disease immunization and make the records available to the county superintendent of schools on request;

~~(2)~~*(b)* shall provide at least the minimum aggregate hours of pupil instruction in accordance with 20-1-301 and 20-1-302;

~~(3)~~*(c)* must be housed in a building that complies with applicable local health and safety regulations; *and*

~~(4)~~*(d)* shall provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to 20-7-111~~; and~~.

~~(5)~~*(2)* ~~in the case of home schools,~~ *To qualify its students for exemption from compulsory enrollment under 20-5-102, a home school:*

(a) shall notify the county superintendent of schools of the county in which the home school is located in each school fiscal year of the student's attendance at the school*;*

(b) shall maintain records on pupil attendance and make the records available to the county superintendent on request;

(c) shall provide at least the minimum aggregate hours of pupil instruction in accordance with 20-1-301 and 20-1-302; and

(d) shall provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to 20-7-111."

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

Approved May 13, 2025

CHAPTER NO. 725

[HB 786]

AN ACT REVISING THE RESPONSIBILITIES OF THE PRESIDING OFFICER OF THE MONTANA ARTS COUNCIL; REMOVING THE TITLE OF CHIEF EXECUTIVE OFFICER FROM THE PRESIDING OFFICER POSITION OF THE COUNCIL; AMENDING SECTION 22-2-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 22-2-103, MCA, is amended to read:

"**22-2-103. Council membership -- tenure -- compensation.** The term of office of each member is 5 years. The governor shall designate a presiding officer and a vice presiding officer from the members of the council to serve in those capacities at the pleasure of the governor. ~~The presiding officer is the chief executive officer of the council.~~ Each vacancy must be filled for the balance of the unexpired term in the same manner as the original appointment. The members of the council must be compensated and receive travel expenses as provided for in 2-15-124."

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

Approved May 13, 2025

CHAPTER NO. 726

[HB 794]

AN ACT GENERALLY REVISING PHARMACY LAWS; UPDATING AND CLARIFYING DEFINITIONS; REVISING THE DEFINITION OF A PHARMACY TECHNICIAN; REMOVING THE UTILIZATION PLAN REQUIREMENT FOR IN-STATE PHARMACIES AND OUT-OF-STATE MAIL ORDER PHARMACIES; CLARIFYING THE POWERS AND DUTIES OF THE BOARD OF PHARMACY; PROVIDING RULEMAKING AUTHORITY; REQUIRING AN ENDORSEMENT TO PRACTICE AS A CLINICAL PHARMACIST PRACTITIONER; REMOVING OUTDATED NOTIFICATION PRACTICES REGARDING BIOSIMILAR PRODUCT SELECTION; REMOVING OUTDATED GENERIC DRUG SIGNAGE REQUIREMENTS; CLARIFYING PHARMACY WHOLESALE DISTRIBUTION LICENSES; AMENDING SECTIONS 2-18-704, 37-7-101, 37-7-105, 37-7-201, 37-7-301, 37-7-306, 37-7-502, 37-7-505, 37-7-601, 37-7-602, 37-7-603, 37-7-604, 37-7-701, 37-7-702, 37-7-703, 37-7-704, 37-7-705, 37-7-706, 39-71-727, AND 53-6-1002, MCA; AND REPEALING SECTIONS 37-7-307, 37-7-308, 37-7-309 AND 37-7-506, MCA.

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

Section 1. Section 2-18-704, MCA, is amended to read:

"**2-18-704. Mandatory provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing

within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail ~~service~~ *order* pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail ~~service~~ *order* pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail ~~service~~ *order* pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for:

(a) treatment of inborn errors of metabolism, as provided for in 33-22-131;

(b) therapies for Down syndrome, as provided in 33-22-139;

(c) treatment for children with hearing loss as provided in 33-22-128(1) and (2);

(d) fertility preservation services as required under 33-22-2103;

(e) the care and treatment of mental illness in accordance with the provisions of Title 33, chapter 22, part 7;

(f) telehealth services, as provided for in 33-22-138; and

(g) refills of prescription eyedrops as provided in 33-22-154.

(8) (a) An insurance contract or plan issued under this part that provides coverage for an individual in a member's family must provide coverage for well-child care for children from the moment of birth through 7 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the contract or plan.

(b) Coverage for well-child care under subsection (8)(a) must include:

(i) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule for immunization recommended by the advisory committee on immunization practices of the U.S. department of health and human services.

(c) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit as provided for in this subsection (8).

(d) For purposes of this subsection (8):

(i) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics; and

(ii) "well-child care" means the services described in subsection (8)(b) and delivered by a physician or a health care professional supervised by a physician.

(9) Upon renewal, an insurance contract or plan issued under this part under which coverage of a dependent terminates at a specified age must continue to provide coverage for any dependent, as defined in the insurance contract or plan, until the dependent reaches 26 years of age. For insurance contracts or plans issued under this part, the premium charged for the additional coverage of a dependent, as defined in the insurance contract or plan, may be required to be paid by the insured and not by the employer.

(10) Prior to issuance of an insurance contract or plan under this part, written informational materials describing the contract's or plan's cancer screening coverages must be provided to a prospective group or plan member.

(11) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for hospital inpatient care for a period of time as is determined by the attending physician and, in the case of a health maintenance organization, the primary care physician, in consultation with the patient to be medically necessary following a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

(12) (a) (i) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for medically necessary and prescribed outpatient self-management training and education for the treatment of diabetes. Any education must be provided by a licensed health care professional with expertise in diabetes. At a minimum, the benefit must consist of:

(A) 20 visits of training and education in diabetes self-management provided in either an individual or group setting if the person has not received the training and education previously; and

(B) 12 visits of followup diabetes self-management training and education services in subsequent years for an insured who has previously received and exhausted the initial 20 visits of education.

(ii) For the purposes of this subsection (12)(a), the term "visit" refers to a period of 30 minutes.

(b) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for diabetic equipment and supplies that at a minimum includes insulin, syringes, injection aids, devices for self-monitoring of glucose levels (including those for the visually impaired), test strips, visual reading and urine test strips, one insulin pump for each warranty period, accessories to insulin pumps, one prescriptive oral agent for controlling blood sugar levels for each class of drug approved by the United States food and drug administration, and glucagon emergency kits.

(c) Nothing in subsection (12)(a) or (12)(b) prohibits the state or the Montana university group benefit plans from providing a greater benefit or an alternative benefit of substantially equal value, in which case subsection (12)(a) or (12)(b), as appropriate, does not apply.

(d) Annual copayment and deductible provisions are subject to the same terms and conditions applicable to all other covered benefits within a given policy.

(e) This subsection (12) does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, specific disease, or long-term care policies offered by the state or the Montana university system as benefits to employees, retirees, and their dependents.

(13) (a) Except as provided in subsection (16), the state employee group benefit plans and the Montana university system group benefits plans that provide coverage to the spouse or dependents of a peace officer as defined in 45-2-101, a game warden as defined in 19-8-101, a firefighter as defined in 19-13-104, or a volunteer firefighter as defined in 19-17-102 shall renew the coverage of the spouse or dependents if the peace officer, game warden, firefighter, or volunteer firefighter dies within the course and scope of employment. Except as provided in subsection (13)(b), the continuation of the coverage is at the option of the spouse or dependents. Renewals of coverage under this section must provide for the same level of benefits as is available to other members of the group. Premiums charged to a spouse or dependent under this section must be the same as premiums charged to other similarly situated members of the group. Dependent special enrollment must be allowed under the terms of the insurance contract or plan. The provisions of this subsection (13)(a) are applicable to a spouse or dependent who is insured under a COBRA continuation provision.

(b) The state employee group benefit plans and the Montana university system group benefits plans subject to the provisions of subsection (13)(a) may discontinue or not renew the coverage of a spouse or dependent only if:

(i) the spouse or dependent has failed to pay premiums or contributions in accordance with the terms of the state employee group benefit plans and the Montana university system group benefits plans or if the plans have not received timely premium payments;

(ii) the spouse or dependent has performed an act or practice that constitutes fraud or has made an intentional misrepresentation of a material fact under the terms of the coverage; or

(iii) the state employee group benefit plans and the Montana university system group benefits plans are ceasing to offer coverage in accordance with applicable state law.

(14) The state employee group benefit plans and the Montana university system group benefits plans must comply with the provisions of 33-22-153.

(15) An insurance contract or plan issued under this part and a group benefits plan issued by the Montana university system must provide mental health coverage that meets the provisions of Title 33, chapter 22, part 7.

(16) The employing state agency of a law enforcement officer as defined in 2-15-2040 who is covered under the state employee group benefit plan shall:

(a) if the officer is catastrophically injured in the line of duty as defined in 2-15-2040, enroll the officer and the officer's covered spouse or dependent children in COBRA continuation coverage when that officer is terminated from employment as a result of the catastrophic injury. The officer and the officer's spouse or dependent children may opt out of COBRA continuation coverage within 60 days of enrollment.

(b) enroll the officer's covered spouse or dependent children in COBRA continuation coverage if the officer dies in the line of duty as defined in 2-15-2040. The officer's spouse or dependent children may opt out of COBRA coverage within 60 days of the date of enrollment.

(c) pay the COBRA premium for 4 months of COBRA continuation coverage for the officer and the officer's covered spouse or dependent children enrolled in COBRA continuation coverage pursuant to subsections (16)(a) or (16)(b), after

which time the officer and the officer's spouse or dependent children shall pay the COBRA premium. (See compiler's comments for contingent termination of certain text.)"

Section 2. Section 37-7-101, MCA, is amended to read:

"**37-7-101. Definitions.** As used in this chapter, the following definitions apply:

(1) (a) "Administer" means the direct application of a drug to the body of a patient by injection, inhalation, ingestion, or any other means.

(b) Except as provided in 37-7-105, the term does not include immunization by injection for children under 18 years of age.

(2) "Board" means the board of pharmacy provided for in 2-15-1733.

(3) "Cancer drug" means a prescription drug used to treat:

(a) cancer or its side effects; or

(b) the side effects of a prescription drug used to treat cancer or its side effects.

(4) "Chemical" means medicinal or industrial substances, whether simple, compound, or obtained through the process of the science and art of chemistry, whether of organic or inorganic origin.

(5) "Clinical pharmacist practitioner" means a licensed pharmacist in good standing who meets the requirements specified in 37-7-306.

(6) "Collaborative pharmacy practice" means the practice of pharmacy by a pharmacist who has agreed to work in conjunction with one or more prescribers, on a voluntary basis and under protocol, and who may perform certain patient care functions under certain specified conditions or limitations authorized by the prescriber.

(7) "Collaborative pharmacy practice agreement" means a written and signed agreement between one or more pharmacists and one or more prescribers that provides for collaborative pharmacy practice for the purpose of drug therapy management of patients.

(8) "Commercial purposes" means the ordinary purposes of trade, agriculture, industry, and commerce, exclusive of the practices of medicine and pharmacy.

(9) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or device based on:

(a) a practitioner's prescription drug order;

(b) a professional practice relationship between a practitioner, pharmacist, and patient;

(c) research, instruction, or chemical analysis, but not for sale or dispensing; ~~or~~

(d) the preparation of drugs or devices based on routine, regularly observed prescribing patterns*; or*

(e) the preparation of drugs based on a facility being registered as an outsourcing facility with the FDA.

(10) "Confidential patient information" means privileged information accessed by, maintained by, or transmitted to a pharmacist in patient records or that is communicated to the patient as part of patient counseling.

(11) "Controlled substance" means a substance designated in Schedules II through V of Title 50, chapter 32, part 2.

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

(13) "Device" has the same meaning as ~~defined in 37-2-101~~ *the term "prescription device" as defined in 21 CFR 801.109.*

(14) "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a prescription drug order, including the preparation

and delivery of a drug or device to a patient or patient's agent in a suitable container appropriately labeled for administration to or use by a patient.

(15) "Distribute" or "distribution" means the sale, purchase, trade, delivery, handling, storage, or receipt of a drug or device and does not include*:*

(a) administering or dispensing a prescription drug, pursuant to section 353(b)(1)~~, or~~*;*

(b) a new animal drug, pursuant to section 360b(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.*; or*

(c) dispensing a device other than medical gas and supplies.

(16) "Drug" means a substance:

(a) recognized as a drug in any official compendium or supplement;

(b) intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(c) other than food, intended to affect the structure or function of the body of humans or animals; and

(d) intended for use as a component of a substance specified in subsection (16)(a), (16)(b), or (16)(c).

(17) "Drug utilization review" means an evaluation of a prescription drug order and patient records for duplication of therapy, interactions, proper utilization, and optimum therapeutic outcomes. The term includes but is not limited to the following evaluations:

(a) known allergies;

(b) rational therapy contraindications;

(c) reasonable dose and route administration;

(d) reasonable directions for use;

(e) drug-drug interactions;

(f) drug-food interactions;

(g) drug-disease interactions; and

(h) adverse drug reactions.

(18) "Equivalent drug product" means a drug product that has the same established name, active ingredient or ingredients, strength or concentration, dosage form, and route of administration and meets the same standards as another drug product as determined by any official compendium or supplement. Equivalent drug products may differ in shape, scoring, configuration, packaging, excipients, and expiration time.

(19) "FDA" means the United States food and drug administration.

(20) "Health care facility" has the meaning provided in 50-5-101.

(21) (a) "Health clinic" means a facility in which advice, counseling, diagnosis, treatment, surgery, care, or services relating to preserving or maintaining health are provided on an outpatient basis for a period of less than 24 consecutive hours to a person not residing at or confined to the facility.

(b) The term includes an outpatient center for primary care and an outpatient center for surgical services, as those terms are defined in 50-5-101, and a local public health agency as defined in 50-1-101.

(c) The term does not include a facility that provides routine health screenings, health education, or immunizations.

(22) "Health information system" means one of the following systems used to compile and manage patient health care information:

(a) an electronic health record system;

(b) a health information exchange approved by the board;

(c) a pharmacy dispensing system; or

(d) a system defined by the board by rule.

(23) "Hospital" has the meaning provided in 50-5-101.

(24) "Immunization-certified pharmacist" means a pharmacist who:

(a) has successfully completed an immunization delivery course of training that is approved by the accreditation council for pharmacy education or by an authority approved by the board and that, at a minimum, includes instruction in hands-on injection technique, clinical evaluation of indications and contraindications of immunizations, storage and handling of immunizations, and documentation and reporting; and

(b) holds a current basic cardiopulmonary resuscitation certification issued by the American heart association, the American red cross, or another recognized provider.

(25) "Intern" means:

(a) a person who is licensed by the state to engage in the practice of pharmacy while under the personal supervision of a preceptor and who is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist;

(b) a graduate of an accredited college of pharmacy who is licensed by the state for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist;

(c) a qualified applicant awaiting examination for licensure; or

(d) a person participating in a residency or fellowship program.

(26) "Long-term care facility" has the meaning provided in 50-5-101.

(27) "Manufacturing" means the production, preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis.

(28) "Medicine" means a remedial agent that has the property of curing, preventing, treating, or mitigating diseases or which is used for this purpose.

(29) "Outsourcing facility" means a facility at one geographic location or address that:

(a) engages in compounding of sterile drugs;

(b) has elected to register as an outsourcing facility with FDA; and

(c) complies with all the requirements of section 353b of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq.

(30) "Participant" means a physician's office, pharmacy, hospital, or health clinic that has elected to voluntarily participate in the cancer drug repository program provided for in 37-7-1403 and that accepts donated cancer drugs or devices under rules adopted by the board.

(31) "Patient counseling" means the communication by the pharmacist of information, as defined by the rules of the board, to the patient or caregiver in order to ensure the proper use of drugs or devices.

(32) "Person" includes an individual, partnership, corporation, association, or other legal entity.

(33) "Pharmaceutical care" means the provision of drug therapy and other patient care services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process.

(34) "Pharmacist" means a person licensed by the state to engage in the practice of pharmacy and who may affix to the person's name the term "R.Ph.".

(35) "Pharmacy" means an established location, either physical or electronic, registered by the board where drugs or devices are dispensed with pharmaceutical care or where pharmaceutical care is provided.

(36) "Pharmacy technician" means an individual who assists a pharmacist in the practice of pharmacy *and performs tasks delegated to the technician by a pharmacist that do not require a pharmacist's independent professional judgment.*

(37) "Poison" means a substance that, when introduced into the system, either directly or by absorption, produces violent, morbid, or fatal changes or that destroys living tissue with which it comes in contact.

(38) "Practice of pharmacy" means:

(a) interpreting, evaluating, and implementing prescriber orders;

(b) administering drugs and devices pursuant to a collaborative practice agreement, except as provided in 37-7-105, and compounding, labeling, dispensing, and distributing drugs and devices, including patient counseling;

(c) properly and safely procuring, storing, distributing, and disposing of drugs and devices and maintaining proper records;

(d) prescribing drugs and devices in accordance with 37-7-106;

(e) monitoring drug therapy and use;

(f) initiating or modifying drug therapy in accordance with collaborative pharmacy practice agreements established and approved by health care facilities or voluntary agreements with prescribers;

(g) participating in quality assurance and performance improvement activities;

(h) providing information on drugs, dietary supplements, and devices to patients, the public, and other health care providers; and

(i) participating in scientific or clinical research as an investigator or in collaboration with other investigators.

(39) "Practice pharmacy by means of telehealth" means to provide pharmaceutical care through the use of information technology to patients at a distance.

(40) "Preceptor" means an individual who is registered by the board and participates in the instructional training of a pharmacy intern.

(41) "Prescriber" has the same meaning as provided in 37-7-502.

(42) "Prescription drug" means any drug that is required by federal law or regulation to be dispensed only by a prescription subject to section 353(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq.

(43) "Prescription drug order" means an order from a prescriber for a drug or device that is communicated directly or indirectly by the prescriber to the furnisher by means of a signed order, by electronic transmission, in person, or by telephone. The order must include the name and address of the prescriber, the prescriber's license classification, the name and address of the patient, the name, strength, and quantity of the drug, drugs, or device prescribed, the directions for use, and the date of its issue. These stipulations apply to written, oral, electronically transmitted, and telephoned prescriptions and orders derived from collaborative pharmacy practice.

(44) "Provisional community pharmacy" means a pharmacy that has been approved by the board, including but not limited to federally qualified health centers, as defined in 42 CFR 405.2401, where prescription drugs are dispensed to appropriately screened, qualified patients.

(45) "Qualified patient" means a person who is uninsured, indigent, or has insufficient funds to obtain needed prescription drugs or cancer drugs.

(46) "Registry" means the prescription drug registry provided for in 37-7-1502.

~~(47) "Utilization plan" means a plan under which a pharmacist may use the services of a pharmacy technician in the practice of pharmacy to perform tasks that:~~

~~(a) do not require the exercise of the pharmacist's independent professional judgment; and~~

~~(b) are verified by the pharmacist.~~

~~(48)~~*(47)* "Wholesale" means a sale for the purpose of resale."

Section 3. Section 37-7-105, MCA, is amended to read:

"**37-7-105. Administration of immunizations.** (1) An immunization-certified pharmacist may:

(a) prescribe and administer the following immunizations without a collaborative practice agreement in place:

(i) influenza to individuals who are 12 years of age or older;

(ii) pneumococcal, tetanus, ~~diptheria~~ *diphtheria*, and pertussis to individuals who are 18 years of age or older; and

(iii) herpes zoster to those individuals identified in the guidelines published by the United States centers for disease control and prevention's advisory committee on immunization practices; and

(b) administer immunizations to individuals 7 years of age or older as provided by the most recent guidelines by vaccine and age group published by the United States centers for disease control and prevention and as determined within a collaborative practice agreement.

(2) In the event of an adverse reaction, a pharmacist may administer epinephrine or diphenhydramine to:

(a) an individual who is 12 years of age or older; and

(b) a child who is 7 years of age or older and under 12 years of age within a collaborative practice agreement.

(3) If a pharmacist provides an immunization that is part of a series requiring multiple doses over time, the pharmacist shall notify the individual or the individual's legal representative at the time the next immunization in the series is due to be administered by sending a notice to the individual or representative that the followup immunization is needed to fulfill the series requirement.

(4) A pharmacist who administers an immunization pursuant to this section shall:

(a) ensure that the individual who is being immunized is assessed for contraindications to immunization;

(b) ensure that the individual who is being immunized or the individual's legal representative receives a copy of the appropriate vaccine information statement;

(c) if the pharmacist is notified of an adverse reaction, report the reaction to:

(i) the patient's primary health care provider, if the patient identifies one;

(ii) the medical provider or providers with whom the pharmacist has a collaborative practice agreement; and

(iii) the vaccine adverse event reporting system established under the United States department of health and human services;

(d) provide a signed certificate of immunization to the primary health care provider, if known, of each individual who is immunized and to the individual who is immunized that includes the individual's name, date of immunization, address of immunization, administering pharmacist, immunization agent, manufacturer, and lot number;

(e) create a record for each immunization, in which the individual's name, date, address of immunization, administering pharmacist, immunization agent, manufacturer, and lot number are included, and maintain the record for 7 years from the date the immunization was administered or until 7 years after the individual reaches 18 years of age, whichever is later; and

(f) offer the patient the opportunity to have the immunization information reported to the state immunization information system.

(5) (a) A pharmacist may delegate the administration of immunizations authorized under this section only to the following persons who meet the requirements of subsection (5)(b):

(i) a licensed intern who is under the supervision of the pharmacist; or

(ii) a pharmacy technician who is ~~acting under a technician utilization plan and~~ *under* the supervision of the pharmacist.

(b) A licensed intern or a pharmacy technician administering immunizations must hold a current certification to provide basic cardiac life support and must have completed a practical training program that is:

(i) accredited by the accreditation council for pharmacy education or a similar health authority or professional body approved by the board; and

(ii) at a minimum, includes instruction in hands-on injection technique and recognizing and treating emergency reactions to vaccines.

(6) For the purposes of this section, "vaccine information statement" means an information sheet that is produced by the United States centers for disease control and prevention that explains the benefits and risks associated with a vaccine to a vaccine recipient or the legal representative of the vaccine recipient."

Section 4. Section 37-7-201, MCA, is amended to read:

"**37-7-201. ~~Organization -- powers~~ *Powers* and duties -- *rulemaking authority.*** (1) The board shall ~~meet at least once a year to transact its business. The board shall annually elect from its members a president, vice president, and secretary.~~

~~(2) The board shall regulate the practice of pharmacy in this state, including but not limited to:~~

~~(a) establishing~~ *establish* minimum standards for:

~~(i)~~*(a)* ~~equipment necessary in and for a pharmacy~~ *necessary pharmacy equipment*;

~~(ii)~~*(b)* the purity and quality of drugs, devices, and other materials dispensed within the state through the practice of pharmacy, using an official compendium recognized by the board or current practical standards;

~~(iii)~~*(c)* ~~specifications for the~~ facilities, including outsourcing facilities, ~~as well as for~~ *and* the environment, supplies, technical equipment, personnel, and procedures for the storage, compounding, *distribution,* or dispensing of drugs and devices;

~~(iv)~~*(d)* monitoring drug therapy; and

~~(v)~~*(e)* maintaining the integrity and confidentiality of prescription information and other confidential patient information~~;~~.

~~(b)~~*(2)* ~~requesting the department to~~ *The department shall* inspect, at reasonable times:

~~(i)~~*(a)* places where drugs, medicines, chemicals, or poisons are sold, vended, given away, compounded, dispensed, *distributed,* or manufactured; and

~~(ii)~~*(b)* the appropriate records and the license of any person engaged in the practice of pharmacy ~~for the purpose of determining whether any~~ *to determine compliance with* laws governing the legal *dispensing,* distribution*, or manufacture* of drugs or devices or the practice of pharmacy ~~are being violated~~.

(3) The *department and the* board shall cooperate with all agencies charged with the enforcement of the laws of the United States, other states, or this state relating to drugs, devices, and the practice of pharmacy. ~~It is a misdemeanor for a person to refuse to permit or otherwise prevent the department from entering these places and making an inspection.~~

~~(c) regulating:~~

(4) The board shall adopt rules concerning:

~~(i)~~*(a)* the training, qualifications, employment, licensure, and practice of *pharmacists and* interns;

~~(ii)~~*(b)* the training, qualifications, employment, and ~~registration~~ *licensure* of pharmacy technicians; ~~and~~

~~(iii)~~*(c)* under therapeutic classification, the *dispensing, distribution,* sale*,* and labeling of drugs, devices, medicines, chemicals, and poisons;

(d) examining applicants and issuing and renewing licenses of:

(i) applicants whom the board considers qualified under this chapter to practice pharmacy;

(ii) pharmacies and certain stores under this chapter;

(iii) wholesale distributors;

(iv) third-party logistics providers as defined in 37-7-602; ~~and~~

(v) persons engaged in the ~~manufacture and~~ *manufacturing, dispensing, or* distribution of drugs or devices *regarding the practice of pharmacy and authorized under Title 37, chapter 2, Title 50, chapter 31, part 3, Title 50, chapter 32, and this chapter; and*

(vi) persons engaged in the dispensing of animal prescription drugs as authorized in Title 37, chapter 18;

(e) in concurrence with the board of medical examiners, defining the additional education, experience, or certification required of a licensed pharmacist to become a certified clinical pharmacist practitioner;

~~(f) issuing certificates of "certified pharmacy" under this chapter;~~

~~(g)~~*(f)* establishing and collecting license and registration fees;

~~(h) approving pharmacy practice initiatives that improve the quality of, or access to, pharmaceutical care but that fall outside the scope of this chapter. This subsection (2)(h) may not be construed to expand on the definition of the practice of pharmacy.~~

~~(i)~~*(g)* establishing a medical assistance program to assist and rehabilitate licensees who are subject to the jurisdiction of the board and who are found to be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness. The board shall ensure that a licensee who is required or volunteers to participate in the medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified treatment program outside the state unless the board finds that there is no qualified treatment program in this state.

~~(j) making rules for the conduct of its business;~~

~~(k) performing other duties and exercising other powers as this chapter requires; and~~

~~(l) adopting and authorizing the department to publish rules for carrying out and enforcing parts 1 through 7 of this chapter, including but not limited to:~~

~~(i) requirements and qualifications for the transfer of board-issued licenses;~~

~~(ii) minimum standards for pharmacy internship programs and qualifications for licensing pharmacy interns;~~

~~(iii) qualifications and procedures for registering pharmacy technicians; and~~

~~(iv)~~*(h)* requirements and procedures necessary to allow a pharmacy licensed in another jurisdiction to be registered to practice pharmacy by means of telehealth across state lines.

~~(3)~~*(5)* The board may:

~~(a) join professional organizations and associations organized exclusively to promote the improvement of standards of the practice of pharmacy for the protection of the health and welfare of the public and whose activities assist and facilitate the work of the board; and~~

~~(b)~~*(a)* establish standards of care for patients concerning health care services that a patient may expect with regard to pharmaceutical care*; and*

(b) approve pharmacy practice initiatives that improve the quality of or access to pharmaceutical care, but that fall outside the scope of this chapter. This subsection (5)(b) may not be construed to expand on the definition of the practice of pharmacy."

Section 5. Section 37-7-301, MCA, is amended to read:

"**37-7-301. Unlawful practice.** ~~Except as provided in 37-7-307 through 37-7-309, it~~ *It* is unlawful for a person to:

(1) engage in the practice of pharmacy unless licensed by the board; or

(2) assist in the practice of pharmacy unless registered by the board as a pharmacy technician."

Section 6. Section 37-7-306, MCA, is amended to read:

"**37-7-306. Clinical pharmacist practitioner *endorsement required* -- qualifications -- *scope of practice*.** (1) A *pharmacist may not practice as a* clinical pharmacist practitioner ~~is a licensed pharmacist in good standing who:~~ *without an endorsement issued under Title 37, chapter 1, and this chapter.*

(2) An applicant for a clinical pharmacist practitioner endorsement must have:

(a) ~~is certified by the board, in concurrence with the board of medical examiners, to provide drug therapy management, including initiating, modifying, or discontinuing therapies, identifying and managing drug-related problems, or ordering tests under the direction or supervision of a prescriber~~ *a pharmacist license issued under Title 37, chapter 1, and this chapter*;

(b) ~~has additional~~ education, experience, or certification as required by the board in concurrence with the board of medical examiners; and

(c) ~~has in place~~ a *current* collaborative pharmacy practice agreement.

~~(2)~~*(3)* ~~Only a pharmacist certified by the board may legally be identified as a clinical pharmacist practitioner~~. *The requirements in subsections (2)(a) through (2)(c) must be maintained for active licensure and are subject to audit as provided in 37-1-306.*

(4) For the purposes of this section, a clinical pharmacist practitioner provides drug therapy management, including initiating, modifying, or discontinuing therapies, identifying and managing drug-related problems, or ordering tests under the direction or supervision of a prescriber provided through a collaborative pharmacy practice agreement as defined in this chapter."

Section 7. Section 37-7-502, MCA, is amended to read:

"**37-7-502. Definitions.** As used in this part, the following definitions apply:

(1) "Bioavailability" means the extent and rate of absorption from a dosage form as reflected by the time-concentration curve of the administered drug in the systemic circulation.

(2) "Bioequivalent" means a chemical equivalent that, when administered to the same individual in the same dosage regimen, will result in comparable bioavailability.

(3) "Biological product" has the meaning provided in 42 U.S.C. 262.

(4) "Brand name" means the proprietary or the registered trademark name given to a drug product by its manufacturer, labeler, or distributor and placed upon the drug, its container, label, or wrapping at the time of packaging.

(5) "Chemical equivalent" means drug products that contain the same amounts of the same therapeutically active ingredients in the same dosage forms and that meet present compendium standards.

(6) "Drug product" means a dosage form containing one or more active therapeutic ingredients along with other substances included during the manufacturing process.

(7) "Generic name" means the chemical or established name of a drug product or drug ingredient published in the latest edition of an official compendium recognized by the board.

(8) "Interchangeable biological product" means a biological product that the federal food and drug administration has:

(a) licensed; and

(b) (i) determined meets the standards for interchangeability pursuant to 42 U.S.C. 262(k)(4); or

(ii) determined is therapeutically equivalent as set forth in the latest edition of or supplement to the federal food and drug administration's approved drug products with therapeutic equivalence evaluations.

(9) "Person" has the meaning provided in 37-7-101.

(10) "Prescriber" means a medical practitioner, as defined in 37-2-101, licensed under the professional laws of the state to *purchase,* administer*,* and prescribe medicine and drugs. *For the purposes of this chapter, the term includes a naturopathic physician and a physician assistant.*

(11) "Present compendium standard" means the official standard for drug excipients and drug products listed in the latest revision of an official compendium recognized by the board.

(12) "Product selection" means to dispense without the prescriber's express authorization a different drug product in place of the drug product prescribed.

(13) "Therapeutically equivalent" means those chemical equivalents that, when administered in the same dosage regimen, will provide essentially the same therapeutic effect as measured by the control of a symptom or a disease and/or toxicity."

Section 8. Section 37-7-505, MCA, is amended to read:

"**37-7-505. Product selection permitted -- limitation -- *notice to purchaser*.** (1) Except as limited by subsection (2) and unless instructed otherwise by the purchaser:

(a) a pharmacist who receives a prescription for a specific drug product by brand or proprietary name may select a less expensive drug product with the same generic name, strength, quantity, dose, and dosage form as the prescribed drug that is, in the pharmacist's professional opinion, therapeutically equivalent, bioequivalent, and bioavailable; and

(b) a pharmacist who receives a prescription for a specific biological product may select a less expensive interchangeable biological product.

(2) If, in the professional opinion of the prescriber, it is medically necessary that an equivalent drug product or interchangeable biological product not be selected, the prescriber may so indicate by certifying that the specific brand-name drug product prescribed or the specific brand-name biological product prescribed is medically necessary for that particular patient. In the case of a prescription transmitted orally, the prescriber must expressly indicate to the pharmacist that the specific brand-name drug product prescribed or the specific biological product prescribed is medically necessary.

~~(3) (a) Within 5 business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall communicate the specific product provided to the patient, including the name of the product~~

~~and the manufacturer, to the prescriber through any of the following electric records systems:~~

~~(i) an interoperable electronic medical records system;~~

~~(ii) an electronic prescribing technology;~~

~~(iii) a pharmacy benefit management system; or~~

~~(iv) a pharmacy record.~~

~~(b) Communication through an electronic records system as described in subsection (3)(a) is presumed to provide notice to the prescriber.~~

~~(c) If the pharmacist is unable to communicate pursuant to an electronic records system as provided in subsection (3)(a), the pharmacist shall communicate to the prescriber which biological product was dispensed to the patient using facsimile, telephone, electronic transmission, or other prevailing means.~~

~~(d) Communication is not required under this subsection (3) when:~~

~~(i) there is no federal food and drug administration approved interchangeable biological product for the product prescribed; or~~

~~(ii) a refill prescription is not changed from the product dispensed on the prior filling of the prescription.~~

~~(4) The pharmacist shall maintain a record of the biological product dispensed for at least 2 years.~~

(3) A pharmacist who selects a drug product, as provided in this section, shall notify the person presenting the prescription that the person may refuse the product selection."

Section 9. Section 37-7-601, MCA, is amended to read:

"**37-7-601. Scope and purpose.** This part applies to the wholesale distribution, third-party logistics, manufacturing, or repackaging of prescription drugs *or devices* in this state. The purpose of this part is to implement the federal Prescription Drug Marketing Act of 1987 and the Drug Quality and Security Act of 2013, which includes but is not limited to the Drug Supply Chain Security Act, by providing minimum standards, terms, and conditions for licensing by the department of persons or entities engaged in the wholesale distribution, third-party logistics, manufacturing, or repackaging of prescription drugs *or devices*."

Section 10. Section 37-7-602, MCA, is amended to read:

"**37-7-602. Definitions.** As used in this part, the following definitions apply:

(1) (a) "Dispenser" means a retail pharmacy, a hospital pharmacy, a group of chain pharmacies under common ownership and control that do not act as a wholesale distributor, or any other person authorized by law to dispense or administer prescription drugs, and the affiliated warehouses or distribution centers of the entities listed in this subsection (1)(a), if they are under common ownership and control and do not act as a wholesale distributor.

(b) The term does not include a person who dispenses only products used in animals in accordance with FDA laws and regulations*, except for persons engaged in animal prescription drug dispensing authorized in Title 37, chapter 18*.

(2) "Manufacturer" means:

(a) a person approved by application to the FDA to manufacture a product as defined in section 360eee of the Drug Supply Chain Security Act, 21 U.S.C. 301, et seq., or a biologic pursuant to 42 U.S.C. 262;

(b) a person who manufactures a product as defined in section 360eee of the Drug Supply Chain Security Act, 21 U.S.C. 301, et seq., or a biologic pursuant to 42 U.S.C. 262 that is not the subject of an approved application or license by the FDA;

(c) a colicensed partner of a person described in subsection (2)(a) or (2)(b) that obtains the product directly from a person described in subsection (2)(a), (2)(b), or (2)(d); or

(d) an affiliate of a person described in subsection (2)(a), (2)(b), or (2)(c) that receives the product directly from a person described in subsection (2)(a), (2)(b), or (2)(c).

(3) "Prescription drug" has the same meaning as provided in 37-7-101.

(4) "Repackager" means a person who owns or operates an establishment that repacks and relabels a product or a package *in accordance with the requirements of the FDA* for:

(a) further sale; or

(b) distribution without a further transaction.

(5) "Third-party logistics provider" or "3PL" means an entity that provides or coordinates warehousing or other logistics services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of a product but does not take ownership of the product or have responsibility to direct the sale or disposition of the product.

(6) "Transaction" has the same meaning as provided in section 360eee of the Drug Supply Chain Security Act, 21 U.S.C. 301, et seq.

(7) (a) "Wholesale distribution" means distribution of prescription drugs *or devices* to persons other than a consumer or patient*, including the distribution of prescription drugs or devices to persons or entities authorized to purchase, administer, or dispense prescription drugs or devices*.

(b) The term does not include the exclusions listed in section 353(e)(4) of the Drug Supply Chain Security Act, 21 U.S.C. 301, et seq.

(8) "Wholesale distributor" means a person or entity, other than a manufacturer, a manufacturer's colicensed partner, a third-party logistics provider, or a repackager, who is engaged in wholesale distribution of prescription drugs *or devices, including entities registered with the FDA*."

Section 11. Section 37-7-603, MCA, is amended to read:

"**37-7-603. Prohibited purchase or receipt of drugs *or devices* -- dispensing and distribution restrictions -- penalty.** (1) Except as otherwise provided, it is unlawful for a person to knowingly purchase or receive a prescription drug *or device* from a source other than a person or entity ~~licensed under this part~~ *engaged in wholesale distribution*.

(2) Licensed wholesale distributors, third-party logistics providers, manufacturers, and repackagers may not dispense or distribute prescription drugs *or devices* directly to patients, except when the licensed wholesale distributor is also ~~a licensed pharmacy~~ *licensed by the board to dispense prescription drugs or devices*.

(3) A person who violates the provisions of this section is guilty of a misdemeanor."

Section 12. Section 37-7-604, MCA, is amended to read:

"**37-7-604. Wholesale distributor, third-party logistics provider, manufacturer, and repackager ~~licensing requirements~~ *license required* -- ~~fee~~ *qualifications* -- federal compliance.** (1) A person or distribution outlet may not act as a wholesale distributor, third-party logistics provider, manufacturer, or repackager ~~without first obtaining a license from the board and paying the license fee~~ *unless licensed under Title 37, chapter 1, and this chapter*.

(2) ~~A license may not be issued or renewed for~~ *An applicant for initial licensure or license renewal as* a wholesale distributor, third-party logistics provider, manufacturer, or repackager ~~to operate in this state unless the applicant~~ *must*:

(a) ~~agrees~~ *agree* to abide by federal and state law and to comply with the rules adopted by the FDA and the board; and

(b) ~~pays~~ *pay* the license fee set by the board.

(3) The board in its discretion may require that a separate license be obtained for:

(a) each facility directly or indirectly owned or operated by the same business entity within the state; or

(b) a parent entity with divisions, subsidiaries, or affiliates within the state if operations are conducted at more than one location and joint ownership and control exists among all entities.

(4) An applicant ~~for a license~~ under this section ~~or for a license renewal~~ shall provide written documentation to the board attesting that the applicant has maintained and will continue to maintain:

(a) adequate storage conditions and facilities;

(b) minimum liability and other insurance that may be required by applicable federal or state law;

(c) a functioning security system that includes:

(i) an after hours central alarm or comparable entry detection system;

(ii) restricted access to the premises;

(iii) comprehensive employee applicant screening; and

(iv) safeguards against employee theft;

(d) a system of records setting forth all activities of wholesale distribution, third-party logistics, manufacturing, or repackaging for at least a period of the 2 previous years. The system of records must be accessible, as defined by board regulations, for inspections authorized by the board.

(e) a list of active *business* entity principals, including officers, directors, primary shareholders, and management executives, who shall ~~at all times~~ demonstrate and maintain their responsibility for conducting the business in conformity with sound financial practices ~~as well as~~ *and* state and federal law;

(f) complete, updated information, to be provided to the board as a condition for obtaining and renewing a license, pertaining to each wholesale distributor, third-party logistics provider, manufacturer, or repackager to be licensed, including but not limited to:

(i) all pertinent corporate license information, if applicable; and

(ii) other information regarding ownership, principals, key personnel, and facilities;

(g) a written protocol of procedures and policies that ensures preparation by the applicant or licensee under this section for the handling of security or operational problems, including but not limited to those caused by:

(i) natural disaster or government emergency;

(ii) inventory inaccuracies or product shipping and receiving;

(iii) insufficient inspections for all incoming and outgoing product shipments;

(iv) lack of control of outdated or other unauthorized products;

(v) inappropriate disposition of returned goods; and

(vi) failure to promptly comply with product recalls; and

(h) operations in compliance with all federal requirements applicable to a wholesale distributor, third-party logistics provider, manufacturer, or repackager.

(5) An agent or employee of a licensed wholesale distributor, third-party logistics provider, manufacturer, or repackager need not be licensed as a wholesale distributor, third-party logistics provider, manufacturer, or repackager.

(6) ~~For purposes of this section, all~~ *All* rules ~~and regulations~~ promulgated by the board *pertaining to this section* must conform to the wholesale distributor, third-party logistics provider, manufacturer, and repackager licensing guidelines and rules formally adopted by the FDA. If a conflict arises between an FDA guideline or rule and a rule or regulation of the board, the former controls.

(7) Wholesale distributors, third-party logistics providers, manufacturers, and repackagers licensed by the board shall comply with the *applicable* tracing requirements defined in sections 353 and 360eee of the Drug Supply Chain Security Act, 21 U.S.C. 301, et seq., and all corresponding guidelines and rules."

Section 13. Section 37-7-701, MCA, is amended to read:

"**37-7-701. Legislative declaration.** The legislature recognizes that with the proliferation of alternate methods of health care delivery, there has arisen among third-party payors and insurance companies the desire to control the cost and use of pharmacy services through a variety of mechanisms, including the use of mail ~~service~~ *order* pharmacies located outside this state. As a result, the legislature finds and declares that to continue to protect the consumer-patients of this state, all out-of-state mail ~~service~~ *order* pharmacies that provide services to this state's residents must be registered with the board, shall disclose specific information about their services, shall meet the same standards for utilization of technicians as an in-state pharmacy, and shall provide pharmacy services at a high level of competence."

Section 14. Section 37-7-702, MCA, is amended to read:

"**37-7-702. Out-of-state mail ~~service~~ *order* pharmacy defined.** "Out-of-state mail ~~service~~ *order* pharmacy" means a pharmacy located outside this state that:

(1) ships, mails, or delivers by any lawful means a dispensed legend drug to a resident in this state pursuant to a legally issued prescription;

(2) provides to a resident of this state information on drugs or devices that may include but is not limited to advice relating to therapeutic values, potential hazards, and uses; or

(3) counsels pharmacy patients residing in this state concerning adverse and therapeutic effects of drugs."

Section 15. Section 37-7-703, MCA, is amended to read:

"**37-7-703. ~~Registration requirements~~ *Out-of-state mail order pharmacy -- registration requirements.*** *(1)* Each out-of-state mail ~~service~~ *order* pharmacy must be registered ~~with the board of pharmacy~~ *under Title 37, chapter 1, and this chapter*. ~~In order to be registered with the board to do business in this state and for the renewal of its~~ *To register or to renew its* registration, an out-of-state mail ~~service~~ *order* pharmacy *shall*:

~~(1)~~*(a)*~~(a) shall~~ submit a certificate from the appropriate licensing authority with which it is currently licensed and in good standing in the state in which its dispensing facilities are located; ~~and~~

(b) ~~shall~~ comply with all applicable laws, regulations, and standards of that state and the United States and, if requested by the board, provide evidence that it has complied;

~~(2)~~*(c)* ~~shall~~ register with the board and provide information on ownership and location, including the names and titles of the corporate officers, of the out-of-state mail ~~service~~ *order* pharmacy and the identity of a pharmacist licensed in the state in which the pharmacy is located who is in charge of dispensing prescriptions for shipment to Montana from the out-of-state mail ~~service~~ *order* pharmacy; *and*

~~(3) shall submit a utilization plan for the employment of pharmacy technicians if allowed by the state where the mail service pharmacy is located. If the state in which the pharmacy is located does not establish a ratio of technicians to pharmacists for determining the number of pharmacy technicians or otherwise define the role of the pharmacist in compounding or dispensing drugs at the pharmacy, then the out-of-state mail service pharmacy may not allow a pharmacist to supervise more than one supportive person at any one time in the compounding or dispensing of prescription drugs, unless approved by the board as provided in 37-7-307 through 37-7-309.~~

~~(4)~~*(d)* ~~shall~~ submit to the board proof of the pharmacist's good standing with the licensing authority in the state where the pharmacist is employed ~~and the pharmacist's written commitment to comply with the utilization plan, if any,~~ for each pharmacist identified under subsection ~~(2)~~ *(1)(c)* and shall provide to the board the same toll-free telephone service referenced in 37-7-706 in order to comply with all information requests by the board; and

~~(5)~~*(2)* shall pay an initial registration fee and a periodic renewal fee in an amount to be determined by the board and at a time established by the department by rule."

Section 16. Section 37-7-703, MCA, is amended to read:

"**37-7-703. Registration requirements.** Each out-of-state mail ~~service~~ *order* pharmacy must be registered with the board of pharmacy. In order to be registered with the board to do business in this state and for the renewal of its registration, an out-of-state mail ~~service~~ *order* pharmacy:

(1) (a) shall submit a certificate from the appropriate licensing authority with which it is currently licensed and in good standing in the state in which its dispensing facilities are located; and

(b) shall comply with all applicable laws, regulations, and standards of that state and the United States and, if requested by the board, provide evidence that it has complied;

(2) shall register with the board and provide information on ownership and location, including the names and titles of the corporate officers, of the out-of-state mail ~~service~~ *order* pharmacy and the identity of a pharmacist licensed in the state in which the pharmacy is located who is in charge of dispensing prescriptions for shipment to Montana from the out-of-state mail ~~service~~ *order* pharmacy;

(3) shall submit a utilization plan for the employment of pharmacy technicians if allowed by the state where the mail ~~service~~ *order* pharmacy is located. If the state in which the pharmacy is located does not establish a ratio of technicians to pharmacists for determining the number of pharmacy technicians or otherwise define the role of the pharmacist in compounding or dispensing drugs at the pharmacy, then the out-of-state mail ~~service~~ *order* pharmacy may not allow a pharmacist to supervise more than one supportive person at any one time in the compounding or dispensing of prescription drugs, unless approved by the board as provided in 37-7-307 through 37-7-309.

(4) shall submit to the board proof of the pharmacist's good standing with the licensing authority in the state where the pharmacist is employed and the pharmacist's written commitment to comply with the utilization plan, if any, for each pharmacist identified under subsection (2) and shall provide to the board the same toll-free telephone service referenced in 37-7-706 in order to comply with all information requests by the board; and

(5) shall pay an initial registration fee and a periodic renewal fee in an amount to be determined by the board and at a time established by the department by rule."

Section 17. Section 37-7-704, MCA, is amended to read:

"**37-7-704. Inspections.** If the licensing or regulatory agency of the state in which an out-of-state mail ~~service~~ *order* pharmacy is domiciled fails or refuses to inspect the out-of-state mail ~~service~~ *order* pharmacy after receiving a request for an inspection from the board of this state, the board may cancel the out-of-state pharmacy's right to do business in this state unless the out-of-state pharmacy agrees to an onsite inspection by the board of this state."

Section 18. Section 37-7-705, MCA, is amended to read:

"**37-7-705. Product selection of prescribed drugs -- notification.** (1) An out-of-state mail ~~service~~ *order* pharmacy may not substitute a prescription drug unless the substitution is made in compliance with the laws of this state and the rules and regulations of the board.

(2) An out-of-state mail ~~service~~ *order* pharmacy may not dispense a substitute drug product to a resident of this state without notifying the patient of the substitution either by telephone or in writing."

Section 19. Section 37-7-706, MCA, is amended to read:

"**37-7-706. Patient communication -- telephone service.** Every out-of-state mail ~~service~~ *order* pharmacy shall provide a toll-free telephone service, available at least 6 days a week and for 40 hours a week, to facilitate communication as may be required under this part, between patients in this state and a pharmacist who has access to the patients' records at the out-of-state mail ~~service~~ *order* pharmacy. The toll-free telephone number must be affixed to all drug product containers dispensed to patients in this state."

Section 20. Section 39-71-727, MCA, is amended to read:

"**39-71-727. Payment for prescription drugs -- limitations.** (1) For payment of prescription drugs, an insurer is liable only for the purchase of generic-name drugs if the generic-name product is the therapeutic equivalent of the brand-name drug prescribed by the physician, unless the generic-name drug is unavailable.

(2) If an injured worker prefers a brand-name drug, the worker may pay directly to the pharmacist the difference in the reimbursement rate between the brand-name drug and the generic-name product, and the pharmacist may bill the insurer only for the reimbursement rate of the generic-name drug.

(3) The pharmacist may bill only for the cost of the generic-name product on a signed itemized billing, except if purchase of the brand-name drug is allowed as provided in subsection (1).

(4) When billing for a brand-name drug, the pharmacist shall certify that the generic-name drug was unavailable.

(5) The department shall establish a schedule of fees for prescription drugs.

(6) Except as provided in subsection (8), a pharmacist may not dispense more than a 30-day supply at any one time.

(7) For purposes of this section, the terms "brand name" and "generic name" have the meanings provided in 37-7-502.

(8) An insurer may not require a worker receiving benefits under this chapter to obtain medications from an out-of-state mail ~~service~~ *order* pharmacy. However, an insurer may authorize up to a 90-day supply of medications from an in-state mail ~~service~~ *order* pharmacy.

(9) The provisions of this section do not apply to an agreement between a preferred provider organization and an insurer."

Section 21. Section 53-6-1002, MCA, is amended to read:

"**53-6-1002. Prescription drug plus discount program -- rules.** (1) The department may provide for a prescription drug plus discount program offering prescription drugs at a discounted price to qualified individuals whose

income is at a level set by the department at or below 250% of the federal poverty level and who meet the requirements in 53-6-1003.

(2) There is a prescription drug plus discount program rebate account in the state special revenue fund to the credit of the department. All money received by the state as rebates from pharmaceutical manufacturers for the program must be deposited in the account. The money in the account, which is administered by the department, must be used to expand prescription drug benefits to qualified individuals. Interest on account balances accrues to the account. The purpose of the account is to:

(a) reimburse participating retail pharmacies for the secondary discounted price; and

(b) reimburse the department for contracted services, administrative costs, associated computer costs, professional fees paid to participating retail pharmacies, pharmacy benefit administrators, and other reasonable program costs.

(3) The department shall provide for sufficient personnel to ensure efficient administration of the program. The extent and the magnitude of the program must be determined by the department on the basis of the calculated need of the recipient population and available funds. The department may not spend more on this program than is available through appropriations, federal or other grants, and other established and committed funding sources. The department may accept, for the purposes of carrying out this program, federal funds appropriated under any federal law relating to the furnishing of free or low-cost drugs to disadvantaged, elderly, and disabled individuals, may take action that is necessary for the purposes of carrying out that federal law, and may accept from any other agency of government, individual, group, or corporation funds that may be available to carry out this part.

(4) The department may adopt rules relating to the conduct of this program.

(5) The department shall, if the department determines that sufficient funds are available, adopt rules to establish the secondary discounted price to be charged to participants in the program. The department may establish a secondary discounted price to encourage the use of generic drugs over higher-cost brand-name drugs.

(6) The department shall establish by rule eligibility based upon the applicant's family income as provided in 53-6-1003. The total income may not exceed 250% of the federal poverty level. The department may adopt rules defining income. In establishing eligibility based upon income, the department shall take into account the amount of funding available for the program. The department shall issue enrollment materials to eligible individuals.

(7) Establishment of the program is contingent upon compliance with all applicable federal laws. The department may adopt rules necessary to implement conditions required by federal law.

(8) If program costs are expected to exceed the legislative authorization for the program, the department shall adjust discounted prices or eligibility standards to maintain the program within the available funding.

(9) Participation in the program by a pharmacy or a pharmaceutical manufacturer is voluntary.

(10) (a) The department may not contract with either an in-state or out-of-state mail ~~service~~ *order* pharmacy, as defined in 37-7-702, for the purposes of the program for at least 1 year after persons eligible for the program have begun to purchase drugs through the program. At that time, the department shall evaluate the number of pharmacies within the state providing prescription drugs as part of the program.

(b) If the department determines that there are insufficient pharmacies participating in the program to allow reasonable access to persons qualified to purchase prescription drugs through the program, it may, after the evaluation provided for in subsection (10)(a), use one or more in-state or out-of-state mail ~~service~~ *order* pharmacies, or both, for the purposes of the program."

Section 22. Repealer. The following sections of the Montana Code Annotated are repealed:

37-7-307. Utilization plan -- contents -- responsibility of pharmacist.
37-7-308. Preparation and approval of utilization plan -- revocation of or refusal to renew plan -- contested case hearing.
37-7-309. Utilization plan approval fee -- renewal of approval -- renewal fee.
37-7-506. Notice to purchaser.

Approved May 13, 2025

CHAPTER NO. 727

[HB 801]

AN ACT REVISING LAWS RELATING TO FIREARMS; PROVIDING FOR THE MONTANA FIREARMS LIABILITY CLARIFICATION ACT; PROVIDING LEGISLATIVE INTENT; PROVIDING DEFINITIONS; PROVIDING LIMITATIONS ON NEGLIGENT MARKETING CLAIMS; CREATING A PREDICATE EXCEPTION LIMITATION; PROVIDING PENALTIES; AND CREATING A PRIVATE RIGHT OF ACTION.

WHEREAS, the Protection of Lawful Commerce in Arms Act (PLCAA), 15 U.S.C. 7901, et seq., provides essential protections to firearms manufacturers and sellers against certain lawsuits arising from the criminal or unlawful misuse of their products; and

WHEREAS, the predicate exception within the PLCAA allows for certain lawsuits to proceed if the defendant knowingly violated a state or federal statute applicable to the sale or marketing of firearms and the violation was a proximate cause of the harm; and

WHEREAS, recent litigation in the United States has demonstrated attempts to circumvent the protections of the PLCAA through broad interpretations of the predicate exception; and

WHEREAS, a broad interpretation of the predicate exception could undermine the purpose of the PLCAA, effectively swallowing the rule by allowing general statutes to circumvent the PLCAA's protections; and

WHEREAS, this legislation aims to prevent judicial activism or jury verdicts based on emotion or political leanings, ensuring that manufacturers are not unfairly punished because their products were illegally used by criminals.

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

Section 1. Short title. [Sections 1 through 7] may be cited as the "Montana Firearms Liability Clarification Act".

Section 2. Legislative intent. It is the intent of the legislature to:

(1) ensure that firearms manufacturers and sellers are not unfairly held liable for the criminal misuse of their products;

(2) clarify and tighten the scope of the predicate exception to prevent its misuse and maintain the intended protections in the Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901, et seq.; and

(3) define the circumstances under which negligent marketing claims can be pursued in this state, ensuring the claims are based on clear and concrete statutory violations specific to firearm sales and marketing.

Section 3. Definitions. As used in [sections 1 through 7], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Firearm" means a weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, as defined in 18 U.S.C. 921(a)(3).

(2) "Manufacturer" means a person engaged in the business of manufacturing firearms or ammunition for sale or distribution.

(3) "Negligent marketing" means any advertising, promotion, or marketing practice by a manufacturer or seller that directly poses a foreseeable and substantial risk of harm to the purchaser or specific identifiable individuals.

(4) "Seller" means a person engaged in the business of selling firearms or ammunition at wholesale or retail.

Section 4. Limitations on negligent marketing claims. It is unlawful for a person to bring a negligent marketing claim against a manufacturer or seller of firearms or ammunition unless all of the following conditions are met:

(1) the marketing practice directly targeted individuals who are legally prohibited from owning firearms;

(2) the marketing practice encouraged or facilitated the unlawful use of firearms;

(3) there is a direct and substantial causal link between the marketing practice and the harm suffered by the plaintiff; and

(4) the marketing practice violated a state or federal statute explicitly regulating the sale or marketing of firearms or ammunition in a manner that constitutes a willful and knowing violation of the law.

Section 5. Predicate exception limitation. (1) The predicate exception under the Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901, et seq., may not be interpreted broadly. A claim may only proceed if the specific statute cited as being violated:

(a) explicitly regulates firearms or ammunition; and

(b) provides clear, concrete requirements that the manufacturer or seller failed to meet, which directly caused the harm in question.

(2) General state consumer protection laws or public nuisance laws may not be considered as statutes applicable to the sale or marketing of firearms or ammunition for the purposes of the predicate exception.

(3) A broad interpretation of the predicate exception, which could effectively replace the law by allowing general statutes to circumvent the Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901, et seq., must be explicitly rejected.

Section 6. Enforcement and penalties. (1) The attorney general is authorized to enforce the provisions of [sections 1 through 7].

(2) A person who brings a negligent marketing claim in violation of [section 4] is subject to:

(a) dismissal of the claim; and

(b) payment of reasonable attorney fees and costs incurred by a party defending the claim.

Section 7. Private right of action. (1) A manufacturer or seller harmed by a negligent marketing claim brought in violation of [section 4] may bring a civil action for damages and injunctive relief.

(2) A plaintiff who prevails in an action brought pursuant to this section is entitled to recover reasonable attorney fees and costs.

Section 8. Codification instruction. [Sections 1 through 7] are intended to be codified as an integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [sections 1 through 7].

Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved May 13, 2025

CHAPTER NO. 728

[HB 807]

AN ACT PROHIBITING VACCINES ALLOWED UNDER AN EMERGENCY USE AUTHORIZATION OR UNDERGOING SAFETY TRIALS FROM BEING REQUIRED; AND AMENDING SECTION 49-2-312, MCA.

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

Section 1. Section 49-2-312, MCA, is amended to read:

"**49-2-312. Discrimination based on vaccination status or possession of immunity passport prohibited -- definitions.** (1) Except as provided in subsection (2), it is an unlawful discriminatory practice for:

(a) a person or a governmental entity to refuse, withhold from, or deny to a person any local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities based on the person's vaccination status or whether the person has an immunity passport;

(b) an employer to refuse employment to a person, to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment based on the person's vaccination status or whether the person has an immunity passport; or

(c) a public accommodation to exclude, limit, segregate, refuse to serve, or otherwise discriminate against a person based on the person's vaccination status or whether the person has an immunity passport.

(2) This section does not apply to vaccination requirements set forth for schools pursuant to Title 20, chapter 5, part 4, or day-care facilities pursuant to Title 52, chapter 2, part 7.

(3) (a) A person, governmental entity, or an employer does not unlawfully discriminate under this section if they recommend that an employee receive a vaccine.

(b) A health care facility, as defined in 50-5-101, does not unlawfully discriminate under this section if it complies with both of the following:

(i) asks an employee to volunteer the employee's vaccination or immunization status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases. A health care facility may consider an employee to be nonvaccinated or nonimmune if the employee declines to provide the employee's vaccination or immunization status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented.

(ii) implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases.

~~(4) An individual may not be required to receive any vaccine whose use is allowed under an emergency use authorization or any vaccine undergoing safety trials.~~

(4) An individual may not be required to receive a vaccine whose use is allowed under an emergency use authorization or a vaccine undergoing safety trials.

(5) As used in this section, the following definitions apply:

(a) "Immunity passport" means a document, digital record, or software application indicating that a person is immune to a disease, either through vaccination or infection and recovery.

(b) "Vaccination status" means an indication of whether a person has received one or more doses of a vaccine."

Approved May 13, 2025

CHAPTER NO. 729

[HB 817]

AN ACT GENERALLY REVISING HUNTING LICENSING LAWS FOR PERSONS UNDER 18 YEARS OF AGE; ALLOWING FOR THE ISSUING OF A FREE SPECIAL PERMIT LICENSE FOR ELK, DEER, OR ANTELOPE TO A PERSON UNDER 18 YEARS OF AGE WITH A LIFE-THREATENING ILLNESS WHO IS RECOMMENDED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS BY A MONTANA CHARITY OR NONPROFIT ORGANIZATION; SETTING REQUIREMENTS TO OBTAIN A LICENSE; SETTING REQUIREMENTS TO USE A LICENSE; SETTING LICENSE CAPS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 87-2-105 AND 87-2-805, MCA.

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

Section 1. Section 87-2-105, MCA, is amended to read:

"**87-2-105. Hunter safety and education required.** (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4) *or (5)* or a person who has been issued an apprentice hunting certificate pursuant to 87-2-810, a hunting license may not be issued to a person born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

(a) a Montana hunter safety and education course established in subsection (4) or (6);

(b) a hunter safety course in any other state or province; or

(c) a Montana hunter safety and education course that qualifies the person for a provisional certificate as provided in 87-2-126.

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's spouse or dependent, as defined in 87-2-102, who resides in the member's household, unless the person authorized to issue the license determines proof of completion of a hunter safety and education course approved by the department or a hunter safety course in any state or province.

(3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and

arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(4) The department shall provide for a hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor any person it finds to be competent to give instructions in hunter safety and education, including the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from Montana's hunter safety and education course to a person successfully completing the course.

(5) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion to a person successfully completing the course.

(6) The department may develop an adult hunter safety and education course.

(7) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion of a required course."

Section 2. Section 87-2-805, MCA, is amended to read:

"**87-2-805. Licenses for persons under 18 years of age.** (1) Resident and nonresident minors under 12 years of age may fish without a license.

(2) Resident minors who are 12 years of age or older and under 18 years of age may purchase the following for one-half the cost:

(a) a conservation license;

(b) a Class A fishing license;

(c) a Class A-1 upland game bird license;

(d) a migratory game bird license;

(e) a Class A-3 deer A tag;

(f) a Class A-5 elk tag;

(g) a Class AAA combination sports license that does not include a Class A-6 black bear tag. This subsection (2)(g) does not prohibit a resident minor from purchasing any individual licenses for which the minor may be eligible under this chapter if the minor does not purchase a Class AAA license under this subsection (2)(g). A resident minor who lawfully purchases a Class AAA license pursuant to this subsection (2)(g) at 17 years of age, but who reaches 18 years of age during that license year, may legally use the license during that license year.

(3) A nonresident minor who is 12 years of age or older and under 18 years of age may purchase an upland game bird license and a migratory game bird license for one-half of the nonresident fee. Of the fee paid for the upland game bird license, $17 must be deposited pursuant to 87-1-270 and $7 must be deposited pursuant to 87-1-246.

(4) (a) The department may issue a free resident or nonresident big game combination license, as applicable, or a free resident or nonresident *elk, deer, or* antelope license and conservation license, as applicable, to a resident or nonresident youth under 18 years of age who has been diagnosed with a life-threatening illness. In order for a youth to qualify for the free license, the department must receive documentation that the youth has been diagnosed with a life-threatening illness from a licensed physician. The free *special*

permit license may be issued to a youth on a one-time basis for only one hunting season. As used in this subsection, "life-threatening illness" means any progressive, degenerative, or malignant disease or condition that results in a significant threat, likelihood, or certainty that the child's life expectancy will not extend past the child's 19th birthday unless the course of the disease is interrupted or abated.

(b) In exercising hunting privileges, the youth must be accompanied by an adult in possession of a valid Montana hunting license or of a licensed Montana outfitter and conduct all hunting within the terms and conditions of the license issued.

(c) The department may waive hunter safety and education and bowhunter education requirements in 87-2-105 for a qualified youth under this subsection (4) and, in appropriate circumstances, may also allow the qualified youth to hunt from a vehicle in the manner described in 87-2-803.

(d) The department may limit the number of *special permit* licenses issued pursuant to this subsection (4) to a total of 25 annually.

(5) (a) The department shall issue a free either-sex special permit license for elk, deer, or antelope and a conservation license, as applicable, to a resident or nonresident youth under 18 years of age who has been diagnosed with a life-threatening illness and is recommended by a Montana charitable or nonprofit organization. As used in this subsection (5), "life-threatening illness" means any progressive, degenerative, or malignant disease or condition that results in a significant threat to the child's life.

(b) To qualify for the free license, the department must receive documentation from a licensed physician that the youth has been diagnosed with a life-threatening illness.

(c) The free license may be issued to a youth on a one-time basis for only one hunting season.

(d) In exercising hunting privileges, the youth shall conduct all hunting within the terms and conditions of the license issued and in the company of an adult in possession of a valid Montana hunting license or in the company of a licensed Montana outfitter representing the charitable or nonprofit organization that recommended the youth. The nonprofit organization may facilitate licensing and provide a host to help the youth prior to and during the hunt.

(e) The department may issue up to five elk, five deer, and five antelope special permit licenses pursuant to this subsection (5) annually, but not more than one tag per species per hunting district annually. These special permit licenses do not count against any quota set by the department. Licenses issued pursuant to this subsection (5) do not count against the number of antelope licenses reserved for people with permanent disabilities as provided in 87-2-706 or against the licenses reserved for youth with a life-threatening illness as provided in subsection (4).

(f) The department may waive hunter safety and education and bowhunter education requirements provided in 87-2-105 for a qualified youth under this subsection (5) and, in appropriate circumstances, shall also allow the qualified youth to hunt from a vehicle in the manner described in 87-2-803.

(g) The department shall adopt rules necessary to implement this subsection (5).

~~(5)~~*(6)* Prior to reaching 12 years of age, a minor who will reach 12 years of age by January 16 of a license year may hunt any game species after August 15 of that license year as long as the minor obtains the necessary license pursuant to this chapter."

Approved May 13, 2025

CHAPTER NO. 730

[HB 818]

AN ACT REVISING CAMPAIGN FINANCE LAWS; PROHIBITING A FOREIGN NATIONAL FROM INTERFERING IN STATEWIDE BALLOT ISSUES; PROHIBITING A CONTRIBUTION, EXPENDITURE, OR INDEPENDENT EXPENDITURE USING FUNDS RECEIVED FROM A FOREIGN NATIONAL; PROVIDING DEFINITIONS; PROVIDING PENALTIES; AMENDING SECTIONS 13-37-501, 13-37-502, AND 13-37-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Prohibition on foreign national interference in statewide ballot issues. (1) It is unlawful for a foreign national, directly or through an intermediary, to make a disbursement for an electioneering communication, a contribution, or an expenditure, or to make an express or implied promise to make a contribution or an expenditure, in connection with any statewide ballot issue.

(2) It is unlawful for a person to:

(a) solicit, accept, or receive any funds from a foreign national for any purpose described in subsection (1); or

(b) make a contribution, expenditure, or independent expenditure using any funds the person knows were received from a foreign national for any purpose described in this section.

(3) (a) Upon receipt of a contribution by a political committee created to support or to oppose a ballot issue, the committee treasurer shall obtain from the donor an affirmation that the donor is not a foreign national.

(b) Records of the donor affirmation received must be included in the treasurer's recordkeeping obligations under 13-37-207 and 13-37-208.

Section 2. Section 13-37-501, MCA, is amended to read:

"**13-37-501. Definitions.** As used in this part, the following definitions apply:

(1) "Entity" means a partnership, association, limited liability company, joint venture, corporation, or any other legal or commercial organization, or a combination of entities.

(2) "Foreign national" means:

(a) a government of a foreign country;

(b) a political party of a foreign country;

(c) an entity located outside of the United States unless that entity:

(i) is organized under or created under federal law, state law, or the law of another place subject to the jurisdiction of the United States; and

(ii) has its principal place of business within the United States;

(d) an entity that:

(i) is organized under the laws of a foreign country; or

(ii) has its principal place of business in a foreign country; ~~and~~

(e) an individual who is not lawfully admitted for the privilege of residing permanently in the United States as an immigrant in accordance with immigration laws and who is not:

(i) a citizen of the United States; or

(ii) a person who, though not a citizen of the United States, owes permanent allegiance to the United States*; and*

(f) any U.S. entity that is wholly or majority owned by any foreign national, unless:

(i) the entity employs individuals who pay income tax to the state of Montana and the entity pays property taxes to a taxing authority in the state of Montana; or

(ii) (A) any contribution or expenditure it makes derives entirely from funds generated by the U.S. entity's U.S. operations; and

(B) all decisions concerning the contribution or expenditure are made by individuals who are U.S. citizens or permanent residents, except for setting overall budget amounts."

Section 3. Section 13-37-502, MCA, is amended to read:

"**13-37-502. Prohibition on foreign national interference in election.** (1) It is unlawful for a foreign national, directly or through an intermediary, to make a disbursement for an electioneering communication, a contribution, or an expenditure, or to make an express or implied promise to make a contribution or an expenditure, in connection with any candidate election.

(2) It is unlawful for a person to*:*

(a) solicit, accept, or receive a contribution, expenditure, or disbursement described in subsection (1) from a foreign national*; or*

(b) make a contribution, expenditure, or independent expenditure using any funds the person knows were received from a foreign national for any purpose described in this section.

(3) To the extent that a potential violation of this section also violates 52 U.S.C. 30121 or 11 CFR 110.20, investigation and enforcement of the matter must be referred to the federal election commission. The commissioner or a county attorney may not bring an enforcement action regarding the portion of the matter that also violates 52 U.S.C. 30121 or 11 CFR 110.20."

Section 4. Section 13-37-503, MCA, is amended to read:

"**13-37-503. Penalties.** A person who violates 13-37-502 *or [section 1]* is liable in a civil action pursuant to 13-37-128."

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 37, part 5, and the provisions of Title 13, chapter 37, part 5, apply to [section 1].

Section 6. Effective date. [This act] is effective on passage and approval.

Approved May 13, 2025

CHAPTER NO. 731

[HB 819]

AN ACT REVISING LAWS RELATED TO THE DISPLAY OF FLAGS AND BANNERS IN OR ON GOVERNMENT PROPERTY, STATE BUILDINGS AND GROUNDS, PUBLIC SCHOOLS, AND OTHER GOVERNMENT-OWNED FACILITIES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS; PROVIDING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Legislative findings. The legislature finds that:

(1) Government property, including state buildings and grounds, public schools, and other government-owned facilities, should serve neutral governmental functions and not be used to promote political or ideological advocacy.

(2) The United States flag and other officially recognized governmental flags represent the collective identity, heritage, and sovereignty of the nation, state, and local entities and should be the primary symbols displayed on government property.

(3) Allowing nongovernmental or politically charged symbols on state property creates inconsistency in enforcement, legal challenges, and public divisiveness, undermining the neutrality and inclusivity of government spaces.

(4) Flags honoring law enforcement officers, military service members, and public service organizations provide appropriate, nonpolitical recognition of their contributions to public safety and national defense.

(5) [Sections 1 through 3] do not infringe on private speech or individual expression, as they apply solely to government-controlled displays, ensuring personal freedoms remain intact while maintaining a neutral public environment.

Section 2. Definitions. For the purposes of [sections 1 through 3], the following definitions apply:

(1) "Flag" means any physical or digital material designed for display on a flagpole, building, wall, vehicle, or other structure. Flags typically serve as symbols of identity, allegiance, recognition, commemoration, or advocacy, representing nations, states, political movements, or social causes.

(2) "Government property" means buildings, grounds, vehicles, uniforms, and any other property owned, leased, or controlled by a state, county, municipal, or other government entity, including public schools, universities, and special districts.

Section 3. Display of flags and banners on government property. (1) No flag or banner may be displayed in or on government property, including but not limited to state buildings and grounds, public schools, and other government-owned facilities, other than the following flags and banners:

(a) the United States flag;

(b) the official flag of the state of Montana, or any county, municipality, special district, or other political subdivision within the state;

(c) the official flag of a school district, public university, or community college;

(d) the official flag of any state in the United States;

(e) the official flag of any federally recognized tribal nation;

(f) the official flag of any federally recognized foreign nation;

(g) the official flag of any of the branches and units of the United States military;

(h) official historical flags of the United States and the state of Montana, including but not limited to the Betsy Ross flag, Gadsden flag, and other flags of historical significance;

(i) the POW/MIA flag, as provided in 1-1-541;

(j) flags or banners representing official school mascots and colors; and

(k) official law enforcement flags, including but not limited to flags honoring law enforcement officers and fallen officers.

(2) (a) No flags or banners may be displayed on state property that represent a political viewpoint, including but not limited to flags or banners regarding a political party, race, sexual orientation, gender, or political ideology.

(b) Subsection (2)(a) does not apply to flags recognizing official government entities, law enforcement agencies, military branches, or public service organizations.

(3) Nothing in [sections 1 through 3] may be construed to limit the private speech of individuals, and nothing in [sections 1 through 3] may be interpreted to restrict expressions of personal belief outside of official government displays.

(4) [Sections 1 through 3] do not apply to personal clothing, jewelry, or accessories worn by government employees, except where specific uniform policies or official dress codes apply.

Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 1, chapter 1, part 6, and the provisions of Title 1, chapter 1, part 6, apply to [sections 1 through 3].

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Effective date. [This act] is effective on passage and approval.

Approved May 13, 2025

CHAPTER NO. 732

[HB 833]

AN ACT PROVIDING FUNDING FOR ADDITIONAL CORRECTIONAL CAPACITY; ESTABLISHING THE FUTURE OF CORRECTIONS FUND; PROVIDING LEGISLATIVE CONSENT TO CONSTRUCT CORRECTIONAL FACILITIES; AUTHORIZING AGREEMENTS TO SECURE ADDITIONAL CORRECTIONAL CAPACITY; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING APPROPRIATIONS; AUTHORIZING AN OPTIONAL LEASE-TO-OWN AGREEMENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Future of corrections fund. (1) There is an account in the state special revenue fund established in 17-2-102 to be known as the future of corrections fund. The department of corrections shall administer the fund.

(2) Eligible uses of the fund include:

(a) securing an additional correctional facility, which may include build-to-lease or lease-to-own agreements; and

(b) securing additional correctional capacity through agreements with private correctional facilities as provided for in 53-30-601.

(3) Use of the funds for the purposes identified in subsection (2) are exempt from the provisions of 2-17-101(5).

(4) The administrative rules adopted by the department of corrections pursuant to 53-30-604 apply to this section.

Section 2. Appropriation. There is appropriated $4 million from the general fund to the department of corrections on passage and approval of [this act] through the biennium beginning July 1, 2025, to pay for the following eligible uses:

(1) assessment of the current prison system;

(2) transitional costs;

(3) planning, operation, construction, or other contract expenses associated with managing the prison population;

(4) security related technology; and

(5) studying and planning of the development of a comprehensive correction system.

Section 3. Transfer of funds. No later than June 30, 2027, the state treasurer shall transfer $246 million from the general fund to the capital developments long-range building program account provided for in 17-7-209.

Section 4. Appropriation for capital projects -- appropriation for operations and maintenance. (1) On [the effective date of this act], there is appropriated $246 million to the department of administration from the capital developments long-range building program account in the capital projects fund type provided for in 17-7-209 for construction of additional state correctional facilities, for renovation of existing state facilities, and for an option to purchase a building to renovate for correctional capacity.

(2) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in subsection (3) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(3) (a) The amount of $3.5 million is appropriated for the biennium beginning July 1, 2025, from the general fund to the department of corrections for program expansion or operations and maintenance for the indicated new setting.

(b) It is the intent of the legislature that the appropriation in this subsection (3) become part of the base budget for the department of corrections for the biennium beginning July 1, 2027.

Section 5. Contingent transfer and appropriation. (1) (a) If the budget director concludes that state construction of additional state correctional facilities, renovation of existing state facilities, or an option to purchase and renovate is not in the state's best interests, the director shall authorize the state treasurer to transfer $246 million from the capital developments long-range building program account provided for in 17-7-209 to the fund provided for in [section 1].

(b) In determining the state's best interests, the budget director shall consider whether the location has the appropriate workforce required to maintain the programming necessary for inmate rehabilitation and re-entry.

(2) If the budget director transfers funds from the capital developments long-range building program account provided for in 17-7-209 to the fund provided for in [section 1], then:

(a) the amount transferred of the appropriation in [section 4] is void; and

(b) the amount transferred is appropriated from the fund provided for in [section 1] to the department of corrections on [the effective date of the act], for the purposes set forth in [section 1]. This appropriation is authorized to continue until the construction of a correctional facility is completed as determined by the budget director and all leases, if any, have terminated. Any unexpended or unobligated funds must revert to the general fund.

Section 6. Planning and design. The department of administration may proceed with the planning and design of capital projects using existing contracts in [section 4] prior to the receipt of other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of other funding sources.

Section 7. Reporting. (1) A report containing the expenditures and obligations related to securing or constructing correctional facilities as provided in [sections 1 and 4] must be submitted by the department of corrections at each quarterly meeting of:

(a) the legislative finance committee established by 5-12-201;

(b) the judicial branch, law enforcement, and justice interim budget committee established by 5-12-501; and

(c) the long-range planning interim budget committee established by 5-12-501.

(2) This requirement to report terminates when the construction of correctional facilities is completed and the department of corrections notifies the committees of its completion.

Section 8. Legislative intent. The appropriation authorized in [section 4] constitutes legislative consent for the capital projects contained in [section 4] within the meaning of 17-7-201 and 18-2-102.

Section 9. Coordination instruction. If [this act] is passed and approved without a vote of two-thirds of the members of each house of the legislature, [section 1] must read as follows:

Section 1. Future of corrections fund. (1) There is an account in the state special revenue fund established in 17-2-102 to be known as the future of corrections fund. The department of corrections shall administer the fund.

(2) Eligible uses of the fund include:

(a) securing an additional correctional facility, which may include build-to-lease agreements; and

(b) securing additional correctional facilities through agreements with private correctional facilities as provided for in 53-30-601.

(3) Use of the funds for the purposes identified in subsection (2) are exempt from the provisions of 2-17-101(5).

(4) The administrative rules adopted by the department of corrections pursuant to 53-30-604 apply to this section."

Section 10. Two-thirds vote required. Because [section 1] authorizes a lease-to-own agreement, 18-3-101 requires a vote of two-thirds of the members of each house of the legislature for passage.

Section 11. Effective date. [This act] is effective on passage and approval.

Approved May 13, 2025

CHAPTER NO. 733

[HB 834]

AN ACT ESTABLISHING THE GOVERNMENT DATA AND IMPACT COMMISSION; OUTLINING MEMBERSHIP OF THE COMMISSION; PROVIDING DUTIES OF THE COMMISSION; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, the Legislature and the governor represent all citizens of Montana and are accountable to their constituents to ensure that government is run efficiently; and

WHEREAS, the governor is charged with executing the law and managing each executive branch agency for the citizens of the state; and

WHEREAS, the Legislature is charged with defining state policy, ensuring accountability of all political subdivisions of the state, appropriating requests to fund the state's operations, and maintaining a balanced budget; and

WHEREAS, there is not a cohesive system in place to measure the programmatic impact that has value to policymakers in achieving the collective goals and objectives of the legislative branch and executive branch; and

WHEREAS, the government data and impact commission is established to develop and make recommendations regarding collection and integration of targeted data and development of impactful performance measures to ensure the effective use of state resources and efficient administration of state government.

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

Section 1. Government data and impact commission. (1) There is a government data and impact commission.

(2) (a) The commission consists of the following voting members:

(i) the presiding officer of the senate finance and claims committee or the officer's designee;

(ii) the presiding officer of the house appropriations committee or the officer's designee;

(iii) the majority presiding officer and the minority vice presiding officer of the legislative audit committee or their designees;

(iv) a member of the modernization and risk analysis committee appointed by the presiding officer of the legislative finance committee;

(v) a member of the legislature appointed by the governor who is from the opposite party of the member from the modernization and risk analysis committee;

(vi) the budget director or the director's designee;

(vii) the director of the department of administration or the director's designee;

(viii) the director of the office of state public defender or the director's designee;

(ix) two directors of a state agency appointed by the governor or their designees; and

(x) one member of the public appointed by the governor.

(b) The commission consists of the following ex officio, nonvoting members:

(i) the legislative fiscal analyst;

(ii) the legislative auditor:

(iii) a staff member from the legislative services division's legal services office;

(iv) a deputy budget director; and

(v) the chief data officer.

(3) Appointed members of the commission must be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty or service as a commission member.

(4) (a) The department of administration shall staff the commission and pay for the operational costs of the commission.

(b) The office of budget and program planning and the legislative fiscal division shall provide research and analysis at the request of the commission or its legislative members.

(c) The legislative services division shall provide audio and visual services for meetings held in the capitol building.

(5) The commission shall elect a presiding officer from one of the voting members who is not a legislator and elect a vice presiding officer from one of the legislative members.

(6) Starting June 1, 2025, the commission shall meet on a quarterly basis when the legislature is not in session.

(7) The commission shall reserve time at each commission meeting for public comment. Public participation is encouraged.

Section 2. Purpose. (1) The commission is charged with developing and recommending a system for the collection and integration of targeted data for use by the legislature and the executive branch in analyzing outcomes of the agency programs, effective use of state resources, and efficient administration of state government.

(2) The system developed must allow policymakers to identify inefficient, redundant, and antiquated programs in state government.

Section 3. Duties. The commission must receive reports, including but not limited to reports on the following:

(1) successful data system implementations that demonstrate existing capabilities to maximize the efficient use of data to inform decisionmaking;

(2) examples of programs for which a data and impact analysis is most likely to produce efficiencies, cost savings, or more informed decisionmaking;

(3) a review of laws governing the administration of state government and of how to make the operation of state government efficient and transparent;

(4) the structure of executive and legislative oversight to facilitate efficient access to data;

(5) (a) how to prioritize the data that has the most impact on policy decisions; and

(b) the number of impact analyses that can be conducted within a certain timeframe; and

(6) the quantified cost to the state for providing efficient access to data.

Section 4. Appropriation. There is appropriated $75,000 from the general fund to the department of administration for the biennium ending June 30, 2025, and continuing into the biennium beginning July 1, 2025, for the administration and costs of the commission.

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Termination. [This act] terminates December 31, 2026.

Approved May 17, 2025

CHAPTER NO. 734

[HB 845]

AN ACT INCREASING THE INCOME TAX DEDUCTION FOR CONTRIBUTIONS TO A FAMILY EDUCATION SAVINGS ACCOUNT; PROVIDING FOR INFLATIONARY INCREASES; AMENDING SECTIONS 15-30-2120 AND 15-62-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Section 15-30-2120, MCA, is amended to read:

"**15-30-2120. Adjustments to federal taxable income to determine Montana taxable income.** (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest except to the extent already included in federal taxable income;

(b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(c) depreciation or amortization taken on a title plant as defined in 33-25-105;

(d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661;

(g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family residence;

(i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction claimed;

(j) for an individual taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c); and

(k) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C 164(a)(3).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2) and (3)(b) through (3)(o);

(b) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(c) (i) salary received from the armed forces by residents of Montana who are serving on active duty in the regular armed forces and who entered into active duty from Montana;

(ii) the salary received by residents of Montana for active duty in the national guard. For the purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(A) Title 10, U.S.C.; or

(B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation.

(iii) the amount received by a beneficiary pursuant to 10-1-1201; and

(iv) all payments made under the World War I bonus law, the Korean bonus law, and the veterans' bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law, Korean bonus law, and the veterans' bonus law is considered an overpayment and must be refunded upon the filing of an amended return and a verified claim for refund on forms prescribed by the department in the same manner as other income tax refund claims are paid.

(d) annual contributions and income in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(e) contributions or earnings withdrawn from a family education savings account provided for in Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(f) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(g) for each taxpayer that has attained the age of 65, an additional subtraction of $5,500;

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104;

(i) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1;

(j) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not previously allowed as a deduction for Montana income tax purposes;

(k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(l) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163;

(m) payments from the Montana end of watch trust as provided in 2-15-2041;

(n) (i) subject to subsection (9), a portion of military pensions or military retirement income as calculated pursuant to subsection (8) that is received by a retired member of:

(A) the armed forces of the United States, as defined in 10 U.S.C. 101;

(B) the Montana army national guard or the army national guard of other states;

(C) the Montana air national guard or the air national guard of other states; or

(D) a reserve component, as defined in 38 U.S.C. 101, of the United States armed forces; and

(ii) subject to subsection (9), up to 50% of all income received as survivor benefits for military service provided for in subsection (3)(n)(i)(A) through (3)(n)(i)(D); and

(o) the amount of the property tax rebate received under 15-1-2302.

(4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) (a) An individual*, a head of household, or a married individual who files a separate return on a separate form pursuant to 15-30-2113* who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce taxable income by the lesser of ~~$3,000~~ *$4,500* or the amount of the contribution. ~~In the case of married taxpayers, each spouse is~~ *Married taxpayers who file a joint return are* entitled to a reduction, not in excess of ~~$3,000~~ *$9,000*, for ~~the spouses'~~ *their* contributions to the accounts. ~~Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse.~~ The reduction in taxable income under this subsection (5)(a) applies only ~~with respect~~ to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply ~~with respect~~ to withdrawals of contributions that reduced federal taxable income.

(b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for in 15-62-208.

(6) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

(b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in 53-25-118.

(7) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the

age of 65 contained in subsection (3)(g) by the inflation factor for that tax year, rounding the result to the nearest $10. The resulting amount is effective for that tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g).

(8) (a) Subject to subsection (9), the subtraction in subsection (3)(n)(i) is equal to the lesser of:

(i) the amount of Montana source wage income on the return; or

(ii) 50% of the taxpayer's military pension or military retirement income.

(b) For the purposes of subsection (8)(a)(i), "Montana source wage income" means:

(i) wages, salary, tips, and other compensation for services performed in the state;

(ii) net income from a trade, business, profession, or occupation carried on in the state; and

(iii) net income from farming activities carried on in the state.

(9) The subtractions in subsection (3)(n):

(a) may only be claimed by a person who:

(i) becomes a resident of the state after June 30, 2023; or

(ii) was a resident of the state before receiving military pension or military retirement income and remained a resident after receiving military pension or military retirement income;

(b) may only be claimed for 5 consecutive years after satisfying the provisions of subsection (9)(a); and

(c) are not available if a taxpayer claimed the exemption before becoming a nonresident.

(10) For the subtraction under subsection (5) from federal taxable income for a taxpayer who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program, the total amount of the contributions for each tax year after 2025 is determined by multiplying the amount in subsection (5)(a) by an inflation factor determined by dividing the consumer price index fund for June of the previous tax year by the consumer price index for June 2024 and rounding the resulting figure to the nearest $100 increment. (Subsection (3)(o) terminates June 30, 2025--sec. 10, Ch. 47, L. 2023; subsections (3)(n), (8), and (9) terminate December 31, 2033--sec. 4, Ch. 650, L. 2023.)"

Section 2. Section 15-62-207, MCA, is amended to read:

"**15-62-207. Deductions for contributions ~~— inflation factor~~**. ~~An~~ *An* individual who contributes to one or more accounts in a tax year is entitled to reduce the individual's adjusted gross income, in accordance with 15-30-2120~~, by the total amount of the contributions, but not more than $3,000~~. The contribution must be made to an account owned by the contributor, the contributor's spouse, or the contributor's child or stepchild if the contributor's child or stepchild is a Montana resident."

Section 3. Coordination instruction. If both Senate Bill No. 53 and [this act] are passed and approved and if both bills amend 15-30-2120(5)(a), then the amendments to 15-30-2120(5)(a) in Senate Bill No. 53 are void.

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

Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2024.

Approved May 13, 2025

CHAPTER NO. 735

[HB 846]

AN ACT GENERALLY REVISING PROPERTY TAXATION FOR CERTAIN LOCAL GOVERNMENT SUBDIVISIONS; PROVIDING FOR RECONCILIATION PAYMENTS BETWEEN CERTAIN SCHOOL DISTRICTS WHEN ISOLATED PUPILS ARE INVOLVED; ESTABLISHING A PROCESS FOR A SCHOOL DISTRICT TO SEEK A RECONCILIATION PAYMENT BY PETITIONING THE COUNTY SUPERINTENDENT AND PAYING A PROCESSING FEE; PROVIDING THAT THE TAXABLE VALUE OF TERRITORY TRANSFERRED BETWEEN SCHOOL DISTRICTS IS SPLIT BETWEEN THE DISTRICTS FOR A PERIOD OF 3 YEARS; PROVIDING FOR PAYMENTS BETWEEN DISTRICTS FOLLOWING A TERRITORY TRANSFER IF A RECONCILIATION PAYMENT WAS MADE PREVIOUSLY; PROVIDING DEFINITIONS; AMENDING SECTION 20-6-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Definitions. For the purposes of [sections 1 through 4] and 20-6-105, the following definitions apply:

(1) "Advisory capacity" has the same meaning as provided in 2-15-102.

(2) (a) "District operational levies" means property tax levies imposed on the property of a school district in support of a school district's budgeted operations. The term includes levies for all school district budgeted funds except the debt service fund.

(b) The term does not include countywide school levies.

(3) "Isolated pupil" means a pupil who is enrolled and admitted in a nonresident district contiguous to the pupil's resident school district under conditions specified in 20-5-321 and who is unable to access onsite services of a resident school district.

(4) "Reconciliation payment" means payment provided for in [section 2] from a resident school district to reimburse a school district of attendance for educating an isolated pupil of the resident school district.

(5) "Resident school district" means the school district where an isolated pupil maintains legal residence as defined in 1-1-215.

(6) "School district" means a school district created under Title 20, chapter 6.

(7) "School district of attendance" means the school district where the isolated pupil is enrolled, admitted, and receiving onsite instruction.

(8) "Unable to access onsite services of a resident school district" means a case in which a pupil resides in a location in which, because of geographic conditions between the pupil's home and the school that the pupil would attend within the resident school district, it is impractical to access onsite programs in the resident school district, based on a travel time of more than 60 minutes under normal weather conditions over a publicly owned and maintained road using the shortest passable route while complying with all applicable speed limits to the school the pupil would attend in the resident school district.

Section 2. Qualification for reconciliation payment -- petition to qualify. (1) A school district that has enrolled and admitted an isolated pupil is qualified for a reconciliation payment as provided in this section when the isolated pupil is a resident of a contiguous school district that has a taxable

value of at least $100 million and a taxable value per-ANB that is greater than 1.5 times the taxable value per-ANB in the school district of attendance.

(2) On payment of a processing fee of $100 to the county superintendent of the county in which the resident school district of an isolated pupil is located, a school district that meets the requirements of subsection (1) may annually petition to qualify for a reconciliation payment calculated pursuant to [section 3]. To qualify for a reconciliation payment in the subsequent fiscal year, the school district shall file a petition with the county superintendent no later than June 1. The petition must include supporting evidence for the qualification of the school district of attendance for a reconciliation payment, including the number of full-time equivalent isolated pupils who were enrolled and admitted to the school district of attendance and receiving onsite instruction in the current school year.

(3) On receipt of a petition for a reconciliation payment, the county superintendent shall undertake a reasonable inquiry to assess the validity of the petition and eligibility for the reconciliation payment. The county superintendent shall exercise their best judgment and make a determination based on available and credible evidence, documentation, and applicable laws and policies. The county superintendent shall afford deference to the petitioner's assertions, ensuring that the evaluation process remains fair, transparent, and consistent with established criteria. The county superintendent may utilize resources and expertise from the office of public instruction, the department of revenue, and the department of transportation to verify the credibility of the evidence presented and to better ascertain the facts surrounding the petition.

(4) The county superintendent shall complete the inquiry and communicate the findings and determination, including a designation of the number of full-time equivalent isolated pupils enrolled in the school district of attendance, to the petitioner and the resident school district within 30 calendar days from the date of receipt of the petition. If further information or clarification is required to make an informed determination, the county superintendent may request additional documentation or engage in dialogue with the petitioner within this timeframe.

(5) An affected school district that disagrees with the county superintendent's determination may appeal to the district court by filing a verified petition with the court clerk and serving a copy of the petition on the county superintendent. The petition must clearly outline the objections of the school district to the basis of the county superintendent's determination and the objective criteria set forth in [sections 1 through 4]. Filing and serving the petition stays the county superintendent's decision until the court reaches a final determination on the matter. The court shall schedule a hearing at the earliest possible convenience. The court shall review the record and determine whether the county superintendent's decision constituted an abuse of discretion. The proceedings must be summary and informal, and the court's decision must be considered final.

Section 3. Proportional reconciliation of taxable valuation -- reimbursement for isolated pupils. (1) The resident school district shall impose a levy and make a reconciliation payment to the school district of attendance as calculated in this section when a petition under [section 2] has been granted to a school district of attendance by the applicable county superintendent.

(2) Following approval of the petition and not later than the first Tuesday in September, the school district of attendance shall notify the resident school district of the mills budgeted to be imposed by the school district of attendance

for district operational levies pursuant to the final budget adopted by the school district of attendance in compliance with 20-9-131.

(3) The resident school district shall calculate and impose levies on all of its taxable value sufficient to generate the amount of the reconciliation payment. The reconciliation payment must be incorporated into the tuition budget of the district of residence. The amount of the reconciliation payment must be calculated by:

(a) multiplying the number of full-time equivalent isolated pupils of the resident school district in the prior year as approved by the county superintendent pursuant to [section 2(4)] by the mill value per-ANB determined pursuant to subsection (4); and

(b) multiplying the result of subsection (3)(a) by the number of mills reported by the school district of attendance under subsection (2).

(4) The mill value per-ANB for the resident school district under subsection (3)(a) must be calculated by the office of public instruction and reported by May 1 with the information required in 20-9-369(1)(a) to the resident school district and to the school district of attendance based on the certified taxable value of the resident school district for the prior school fiscal year divided by the resident school district's budgeted ANB in the prior school fiscal year.

(5) Revenue generated from the reconciliation payment levy imposed on the resident school district pursuant to subsection (4) must be deposited in the tuition fund of the resident school district and used solely for reconciliation payments to the school district of attendance.

(6) By December 31, the resident school district shall pay at least one-half of the reconciliation payment provided for in this section to the school district of attendance. The remaining obligation must be paid by June 15 of the same fiscal year.

(7) On receipt of the reconciliation payment, a school district of attendance shall deposit the payment in the school district's flexibility fund or any other budgeted funds in the discretion of the trustees.

Section 4. Advisory council. (1) A school district with an enrollment of isolated pupils comprising 5% or more of its budgeted ANB shall establish an advisory council dedicated to fostering open dialogue and collaboration on matters that impact isolated pupils and other nonresident pupils from the areas in which isolated pupils reside. The council shall serve in an advisory capacity as a vital forum for listening to and voicing the concerns and insights of parents, guardians, and community members regarding the educational experiences of isolated pupils.

(2) The board of trustees of the school district of attendance shall appoint members to the advisory council following a public notice process that invites community participation and expressions of interest. The size of the council, the terms of service, and specific responsibilities must be outlined by district policy. A majority of the council's members must be parents or legal guardians of isolated pupils. The board may appoint other stakeholders at its discretion.

(3) The agenda for regular meetings of the board may include, at the council's request, a dedicated item for a report from the advisory council.

Section 5. Section 20-6-105, MCA, is amended to read:

"**20-6-105. Transfer of territory from one district to another -- hearing on effects of proposed transfer -- burden of proof -- standard of proof -- appeal to district court.** (1) ~~(a)~~ Except as provided in 20-6-214, 20-6-215, 20-6-308, *and* 20-6-322, ~~and subsections (1)(b) and (1)(c) of this section,~~ a petition to transfer territory from one school district to another may be presented to the county superintendent if:

~~(i)~~*(a)* the petition is signed by 60% of the registered electors qualified to vote at general elections in the territory proposed for transfer;

~~(ii)~~*(b)* the territory to be transferred is contiguous to the district to which it is to be attached, includes taxable property, and has school-age children living in it;

~~(iii)~~*(c)* the territory to be transferred is not located within 3 miles, over the shortest practicable route, of an operating school in the district from which it is to be transferred; and

~~(iv)~~*(d)* the board of trustees of the school district that would receive the territory has approved the proposed transfer by a resolution adopted by a majority of the members of the board of trustees at a meeting for which proper notice was given.

~~(b) A petition to transfer territory to or from a K-12 district may not be presented to a county superintendent unless both school boards and the county superintendents have agreed in writing.~~

~~(c) Registered voters within the exterior boundaries of school districts that consolidated during the years 2004 to 2008 may petition for changes in their boundaries under the law in effect on July 1, 2005.~~

(2) ~~Once~~ *When* a petition to transfer territory has been filed, an additional petition to transfer that territory may not be filed for ~~4 years~~ *1 full fiscal year* unless the county superintendents have agreed in writing.

(3) The petition for a transfer of territory must be delivered to the county superintendent and must:

(a) provide a legal description of the territory that is requested to be transferred and a description of the district to which the territory is to be transferred;

(b) state the reasons why the transfer is requested; and

(c) state the number of school-age children residing in the territory.

(4) If both the trustees of the receiving and transferring school districts have approved the proposed territory transfer in writing, the county superintendent shall grant the transfer.

(5) For any petition that meets the criteria specified in subsection (1) and contains the information required by subsection (3) but that has not been approved in writing by the board of trustees of the school district that would transfer the territory, the county superintendent shall:

(a) not more than 40 days after receipt of the petition, set a place, date, and time for a hearing to consider the petition; and

(b) give notice of the place, date, and time of the hearing. The notice must be posted in the districts affected by the petition for the transfer of territory in the manner prescribed in this title for notices for school elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered to the board of trustees of the school district from which the territory is to be transferred.

(6) The county superintendent shall conduct a hearing as scheduled, and any resident, taxpayer, or representative of the receiving or transferring district must, ~~upon~~ *on* request, be heard. At the hearing, the petitioners have the initial burden of presenting evidence on the proposed transfer's effect on:

(a) the educational opportunity for the students in the receiving and transferring districts, including but not limited to:

(i) class size;

(ii) ability to maintain demographic diversity;

(iii) local control;

(iv) parental involvement; and

(v) the capability of the receiving district to provide educational services;

(b) student transportation, including but not limited to:

(i) safety;

(ii) cost; ~~and~~

(iii) travel time of students; *and*

(iv) whether there are isolated pupils in the territory proposed for transfer; and

(c) the economic viability of the proposed new districts, including but not limited to:

(i) the existence of a significant burden on the taxpayers of the district from which the territory will be transferred *if the transfer is approved and on the taxpayers of the school district to which the territory is to be transferred if the transfer is rejected*;

(ii) the significance of any loss in state funding for the students in both the receiving and transferring districts;

(iii) the viability of the future bonding capacity of the receiving and transferring districts, including but not limited to the ability of the receiving district and the transferring district to meet minimum bonding requirements;

(iv) the ability of the receiving district and the transferring district to maintain sufficient reserves; and

(v) the cumulative effect of other transfers of territory out of the district in the previous 8 years on the taxable value of the district from which the territory is to be transferred. In cases ~~where~~ *in which* the cumulative effect of other transfers of territory out of the district in the previous 8 years is equal to or greater than 25% of the district's taxable value, the following additional factors must be considered and weighed in the decision:

(A) the district's rate of passage of discretional levies placed before the voters over the previous 8 years;

(B) the district's reduction or elimination of instructional staff or programs over the previous 8 years; and

(C) any increase in district taxes over the previous 8 years and the likely increase in district taxes if the transfer is granted.

(7) After receiving evidence from both the proponents and opponents of the proposed territory transfer on the effects described in subsection (6), the county superintendent shall, within 30 days after the hearing, issue findings of fact, conclusions of law, and an order.

(8) If, based on a preponderance of the evidence, the county superintendent determines that the evidence on the effects described in subsection (6) supports a conclusion that a transfer of the territory is in the best and collective interest of students in the receiving and transferring districts and does not negatively impact the ability of the districts to serve those students, the county superintendent shall grant the transfer. If the county superintendent determines that, based on a preponderance of the evidence presented at the hearing, a transfer of the territory is not in the best and collective interest of students in the receiving and transferring districts and will negatively impact the ability of the districts to serve those students, the county superintendent shall deny the territory transfer.

(9) The decision of the county superintendent is final 30 days after the date of the decision unless it is appealed to the district court by a resident, taxpayer, or representative of either district affected by the petitioned territory transfer. The county superintendent's decision must be upheld unless the court finds that the county superintendent's decision constituted an abuse of discretion under this section. *The county superintendent shall notify the department of revenue of the approval of a petition to transfer territory from one school district to another.*

(10) Whenever a petition to transfer territory from one district to another district creates a joint district or affects the boundary of an existing joint district, the petition to transfer territory must be delivered to the county superintendent of the county in which the territory proposed to be transferred is located. The county superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly. If the number of county superintendents involved is an even number, the county superintendents shall jointly appoint an additional county superintendent from an unaffected county to join them in conducting the hearing required in subsection (6) and in issuing the decision required in subsection (8). The decision issued under subsection (8) must be made by a majority of the county superintendents.

(11) A petition seeking to transfer territory out of or into a K-12 district must propose the transfer of territory for both elementary and high school purposes. In the case of a proposed transfer out of or into a K-12 district, a petition that fails to propose the transfer of territory for both elementary and high school purposes is invalid for the purposes of this section.

(12) If a petition to transfer territory is granted under this section, for the 3 years immediately following the transfer:

(a) the taxable value of territory transferred must be divided equally between the school district from which the territory is transferred and the school district to which the property is transferred;

(b) when certifying taxable values pursuant to 15-10-202, the department of revenue shall include half of the certified value of the transferred territory in each school district's certified taxable value;

(c) each school district shall calculate the mills required for its district operational levies, as defined in [section 1], based on the certified taxable value provided under subsection (12)(b) of this section; and

(d) when levying taxes for district operational levies pursuant to 20-9-142, the county commissioners shall fix and levy one-half of the number of mills for each district's operational levies on the full taxable value of all property within the transferred territory.

(13) (a) When a petition to transfer territory is granted for a school district that has paid a reconciliation payment to another school district under [section 3]:

(i) the school district to which the territory is transferred shall budget and impose a levy for 3 consecutive years following the transfer to generate revenue equal to the most recent reconciliation payment it received from the district from which the territory is transferred; and

(ii) the school district imposing the levy shall deposit the revenue in its tuition fund and pay the district from which the territory is transferred an amount equal to the revenue raised in subsection (13)(a)(i) for 3 consecutive years following the transfer, with at least half of the annual payment made by December 31 and the remainder made by June 15 of the same fiscal year.

(b) The school district from which territory is transferred shall deposit the received payment in its flexibility fund or allocate it among its budgeted funds as determined by the trustees."

Section 6. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 20, chapter 6, part 1, and the provisions of Title 20, chapter 6, part 1, apply to [sections 1 through 4].

Section 7. Effective date. [This act] is effective on passage and approval.

Section 8. Coordination instruction. If both Senate Bill No. 260 and [this act] are passed and approved, then [sections 10 through 14 of Senate Bill No. 260] are void.

Section 9. Applicability. [This act] applies to school years beginning on or after July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 736

[HB 849]

AN ACT PROVIDING FOR SPECIAL MOTORCYCLE LICENSE PLATES FOR PROMOTING MOTORCYCLE SAFETY AND AWARENESS; ESTABLISHING A FEE FOR THE SPECIAL MOTORCYCLE LICENSE PLATES AND REQUIRING THAT THE PROCEEDS BE USED FOR GRANTS TO NONPROFIT ORGANIZATIONS IDENTIFIED BY RULES ADOPTED BY THE DEPARTMENT OF TRANSPORTATION; STATUTORILY APPROPRIATING THE FEE PROCEEDS TO THE DEPARTMENT OF TRANSPORTATION; PROVIDING RULEMAKING AUTHORITY; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Special motorcycle license plates -- department of justice to design -- fees -- distribution. (1) A Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and who pays the fee required under subsection (2) may be issued a special motorcycle license plate bearing a black background and a design created by the department of justice. The design must recognize the efforts of one or more Montana-based nonprofit organizations dedicated to motorcycle rider safety and awareness.

(2) A person requesting a special motorcycle license plate under this section shall pay to the county treasurer or an authorized agent:

(a) an administrative fee of $5 on issuance of the special license plate to be deposited in the county general fund;

(b) a $5 license plate fee; and

(c) a donation fee of $20.

(3) The county treasurer or an authorized agent shall remit the fees required in subsections (2)(b) and (2)(c) to the department of justice. For each special plate issued, the department of justice shall deposit $5 in the state general fund and $20 in an account in the state special revenue fund to be used by the department of transportation as provided in subsection (4).

(4) The department of transportation shall use the money deposited in the account in the state special revenue fund as provided in subsection (3) to provide grants, using criteria established by the department of transportation, to Montana-based nonprofit organizations that promote awareness and enhance education regarding motorcycle safety.

(5) The account in the state special revenue fund provided for in subsection (3) is statutorily appropriated to the department of transportation, as provided in 17-7-502.

Section 2. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent

law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; *[section 1];* 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L.

2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 3, part 4, and the provisions of Title 61, chapter 3, part 4, apply to [section 1].

Section 4. Effective date. [This act] is effective January 1, 2026.

Approved May 13, 2025

CHAPTER NO. 737

[HB 853]

AN ACT GENERALLY REVISING LICENSED ESTABLISHMENT FEES; INCREASING RETAIL FOOD ESTABLISHMENT FEES, WHOLESALE FOOD ESTABLISHMENT FEES, PUBLIC ACCOMMODATION FEES, TRAILER COURT AND CAMPGROUND FEES, AND POOL AND SPA FEES; ADDING SEASONAL AND YEAR-ROUND CATEGORIES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 50-50-102, 50-50-201, 50-50-205, 50-51-204, 50-52-202, 50-53-102, 50-53-203, AND 50-57-205, MCA.

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

Section 1. Section 50-50-102, MCA, is amended to read:

"**50-50-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Consumer" means a person who is a member of the public, takes possession of food, and does not offer the food for resale.

(2) "Contract cook" means a person who specializes in a home food service and prepares food in an individual's domestic residence only for members of that household and house guests.

(3) "Cottage food operation" means a person who provides, manufactures, or packages cottage food products only in a kitchen in a registered area of a domestic residence and only for direct sale to a consumer in this state.

(4) "Cottage food products" means foods that are not potentially hazardous and are processed or packaged in a cottage food operation, including jams, jellies, dried fruit, dry mixes, and baked goods. Other similar foods that are not potentially hazardous may be defined by the department by rule.

(5) "Department" means the department of public health and human services provided for in 2-15-2201.

(6) "Direct sale" means a face-to-face purchase or exchange of the cottage food product between the manufacturer or packager of a cottage food product and a consumer or individual purchasing the cottage food product as a gift. The direct sale may not be by consignment or involve shipping or internet sales.

(7) "Domestic residence" means a single-family house or a unit in a multiunit residential structure, whether rented, leased, or owned by the person in charge of the cottage food operation.

(8) "Farmer's market" means a farm premises, a food stand owned and operated by a farmer, or an organized market authorized by the appropriate municipal or county authority under 7-21-3301.

(9) "Food" means an edible substance, beverage, or ingredient used, intended for use, or for sale for human consumption.

(10) "Large mobile food establishment" means a retail food establishment that is a mobile food establishment and that operates with three or more employees during peak hours.

(11) "Large retail food establishment" means a retail food establishment that is not a mobile food establishment and that operates with 10 or more employees during peak hours.

~~(10)~~*(12)* "Local board of health" means a county, city, city-county, or district board of health.

~~(11)~~*(13)* "Local health officer" means a county, city, city-county, or district health officer, appointed by the local board of health, or the health officer's authorized representative.

~~(12)~~*(14)* "Meat market" means an operation and buildings or structures in connection with the meat market that are used to process, store, or display meat or meat products for retail sale to the public or for human consumption.

(15) "Medium retail food establishment" means a retail food establishment that is not a mobile food establishment and that operates with between three and nine employees during peak hours.

~~(13)~~*(16)* (a) "Mobile food establishment" means a retail food establishment that serves or sells food from a motor vehicle, a nonmotorized cart, a boat, or other movable vehicle that periodically or continuously changes location and requires a servicing area to accommodate the unit for cleaning, inspection, and maintenance.

(b) The term does not include:

(i) a motor vehicle used solely to transport or deliver food by a motorized carrier regulated by the state or the federal government;

(ii) a cottage food operation transport vehicle; or

(iii) a concession stand designed to operate as a temporary food establishment.

~~(14)~~*(17)* "Nonprofit organization" means any organization qualifying as a tax-exempt organization under 26 U.S.C. 501.

~~(15)~~*(18)* "Person" means an individual, a partnership, a corporation, an association, a cooperative group, the state or a political subdivision of the state, or other entity.

~~(16)~~*(19)* "Potentially hazardous food" means food that requires time and temperature control for safety to limit toxin formation or the growth of pathogenic microorganisms.

~~(17)~~*(20)* (a) "Raw agricultural commodity" means any food in its raw, unaltered state, including fruits, vegetables, raw honey, and grains. A raw agricultural commodity may be in a container if putting the commodity in a container does not alter the raw state.

(b) The term does not include an agricultural commodity that has been altered by being:

(i) cooked;

(ii) canned;

(iii) preserved, except for drying;

(iv) combined with other food products; or

(v) peeled, diced, cut, blanched, or otherwise subjected to value-adding procedures.

~~(18)~~*(21)* "Registered area" means the portion of a domestic residence that has been registered as provided in 50-50-117 and in which food ingredients intended for cottage food products are transported or stored or the domestic residence kitchen where cottage food products are processed, packaged, or stored.

~~(19)~~*(22)* "Regulatory authority" means the department, the local board of health, the local health officer, or the local sanitarian.

~~(20)~~*(23)* "Retail" means the provision of food directly to the consumer.

~~(21)~~*(24)* (a) "Retail food establishment" means an operation, whether mobile or at a temporary or stationary facility or location, that meets one or more of the conditions in subsections ~~(21)(a)(i)~~ *(24)(a)(i)* and ~~(21)(a)(ii)~~ *(24)(a)(ii)* and that may include a central processing facility that supplies a transportation vehicle or a vending location or satellite feeding location. A retail food establishment:

(i) stores, processes, packages, serves, or vends food directly to the consumer or otherwise provides food for human consumption at a venue that may include:

(A) a restaurant;

(B) a market;

(C) a satellite or catered feeding location;

(D) a catering operation if the catering operation provides food directly to a consumer or to a conveyance used to transport people;

(E) a vending location;

(F) a conveyance used to transport people;

(G) an institution; or

(H) a food bank; and

(ii) relinquishes possession of food to a consumer directly or indirectly by using either a delivery service, as is done for grocery or restaurant orders, or a common carrier that provides deliveries.

(b) The term is not dependent on whether consumption is on or off the premises or whether there is a charge for food served to the public.

(c) The term does not include:

(i) milk producers' facilities, milk pasteurization facilities, or milk product manufacturing plants;

(ii) slaughterhouses, meat packing plants, or meat depots;

(iii) growers or harvesters of raw agricultural commodities;

(iv) a cottage food operation;

(v) a person that sells or serves only commercially prepackaged foods that are not potentially hazardous;

(vi) a food stand that offers raw agricultural commodities;

(vii) a wholesale food establishment, including those wholesale food establishments that are located on the same premises as a retail food establishment;

(viii) a kitchen in a domestic residence used for preparing food to sell or serve at a function by a nonprofit organization as provided in subsection ~~(21)(c)(xiii)~~ *(24)(c)(xiii)*;

(ix) custom meat and game animal processors that receive from an owner the remains of a carcass and process those remains for delivery to the owner for the exclusive use in the owner's household by the owner or members of the owner's household, including the owner's family pets, or of the owner's

nonpaying guests or employees. For this exemption to apply, the carcass must be kept separate from other meat food products and parts that are to be prepared for sale.

(x) private, religious, fraternal, youth, patriotic, or civic organizations that serve or sell food to the public over no more than 4 days in a 12-month period;

(xi) a private organization that serves food only to its members and their guests;

(xii) a bed and breakfast, ~~a hotel, a motel,~~ a roominghouse, a guest ranch, an outfitting and guide facility, a boardinghouse, or a tourist home as defined in 50-51-102 that serves food only to registered guests and day visitors;

(xiii) a nonprofit organization that operates a temporary food establishment under a permit as provided in 50-50-120;

(xiv) persons who sell or serve at a farmer's market or a food stand whole shell eggs, hot coffee, hot tea, homemade food or a homemade food product pursuant to Title 50, chapter 49, or other food not meeting the definition of potentially hazardous, as authorized by the appropriate municipal or county authority;

(xv) a day-care center under 52-2-721(1)(a) or day-care providers who are not subject to licensure under 52-2-721(1)(a);

(xvi) a private domestic residence that receives catered or home-delivered food;

(xvii) a contract cook; or

(xviii) a provider of free samples to the public as a marketing activity if the provider is a licensed wholesale food establishment, a cottage food operation, or a seller at a farmer's market.

(25) "Small mobile food establishment" means a retail food establishment that is a mobile food establishment and that operates with no more than two employees during peak hours.

(26) "Small retail food establishment" means a retail food establishment that is not a mobile food establishment and that operates with no more than two employees during peak hours.

~~(22)~~*(27)* "Temporary food establishment" means a retail food establishment that in a licensing year either:

(a) operates at a fixed location for no more than 21 days in conjunction with a single event or celebration; or

(b) uses a fixed menu and operates within a single county at a recurring event or celebration for no more than 45 days.

~~(23)~~*(28)* (a) "Water hauler" means a person engaged in the business of transporting water for human consumption and use and that is not regulated as a public water supply system as provided in Title 75, chapter 6.

(b) The term does not include a person engaged in the business of transporting water for human consumption that is used for individual family households and family farms and ranches.

(29) "Year-round" has the same meaning as provided in 50-53-102."

Section 2. Section 50-50-201, MCA, is amended to read:

"**50-50-201. License or permit required.** (1) (a) Except as provided in 50-50-202 and subsection (1)(b)(i) of this section, a person operating a retail food establishment shall procure an annual license from the department.

(b) (i) A temporary food establishment described in 50-50-120(2)(a) shall obtain a permit and pay a permit fee to the local regulatory authority in the county where the temporary food establishment is operated.

(ii) For a temporary food establishment described ~~under 50-50-102(22)(b)~~ *in 50-50-102*, each time a temporary food establishment alters its menu substantially by food type and means of production, a separate permit must be obtained and a separate permit fee paid.

(2) A separate license is required for each retail food establishment, but if more than one type of retail food establishment is operated on the same premises and under the same management, only one license is required.

(3) Only one retail food establishment license is required for a person owning and operating one or more vending machines.

(4) (a) Except as provided in subsection (4)(b), a retail food establishment license issued by the department is not valid unless signed in accordance with 50-50-214.

(b) A temporary food establishment permit must be signed by the local health officer or the health officer's designee to be valid.

(5) A tribal government may pursue an agreement with the department pursuant to the authority provided in 50-1-106 to coordinate the licensing of a mobile ~~retail~~ food establishment subject to tribal regulations. The agreement must include an appeals process if the license is not validated.

(6) If there is not a cooperative agreement pursuant to subsection (5), the department may issue a license to a person operating a mobile ~~retail~~ food establishment."

Section 3. Section 50-50-205, MCA, is amended to read:

"**50-50-205. License fee -- late fee -- preemption of local authority -- exception.** (1) (a) Except as provided in subsection (6) or (7), the department shall collect for each license issued or renewed a fee as provided in subsection (1)(b). Of the fees collected under this section, 90% must be deposited into the local board inspection fund account created in 50-2-108, 5% into the general fund, and 5% into the account provided for in 50-50-216.

(b) License fees are:

(i) ~~$85~~ *$150* for ~~each license issued to~~ a *small* retail food establishment *as defined in 50-50-102;* ~~that does not have more than two employees working at any one time; and~~

(ii) $225 for a medium retail food establishment as defined in 50-50-102;

~~(ii)~~*(iii)* ~~$115~~ *$275* ~~for~~ *for a large* retail food *establishment as defined in 50-50-102* ~~establishments other than those referred to in subsection (1)(b)(i)~~*;*

(iv) $150 for a small mobile food establishment as defined in 50-50-102; and

(v) $225 for a large mobile food establishment as defined in 50-50-102.

(2) (a) In addition to the license fee required under subsection (1), the department shall collect a late fee of $25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current license and who operates a retail food establishment governed by this part in the next licensing year.

(b) The late fee must be deposited in the account provided for in 50-50-216.

(3) A county or other local government may not impose an inspection fee or charge in addition to the fee provided for in subsection (1) unless a violation of this chapter or rule persists and is not corrected after two inspections of the retail food establishment.

(4) The fees in subsections (1) and (2) may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party. However, the discounting of license fees may not reduce the fees paid into the local board inspection fund account established in 50-2-108.

(5) The department shall collect a fee as provided in rule for each mobile food establishment plan submitted to the department for review.

(6) (a) A local health authority shall collect a fee, as provided in subsection (6)(b), for a permit issued for a temporary food establishment required to register under 50-50-120.

(b) A fee charged to a temporary food establishment may not exceed the amount charged to a retail food establishment as provided in subsection (1).

(c) The local regulatory authority shall use the revenue from the fee collected under this subsection (6) to defray costs associated with issuing a temporary food establishment permit and the costs of inspections required under this chapter.

(7) A fee may not be charged to a person who sells or serves whole shell eggs at a farmer's market if the whole shell eggs are clean, free of cracks, and stored in clean cartons that are labeled in accordance with department rules and kept at a temperature established by the department by rule."

Section 4. Section 50-51-204, MCA, is amended to read:

"**50-51-204. License fee -- late fee.** (1) (a) The department shall collect fees for each license required under 50-51-201 or for each annual license renewal as provided in subsection (1)(b). The department shall deposit 85% of the fees collected under this section into the local board inspection fund account created in 50-2-108, 11.25% of the fees into the general fund, and 3.75% of the fees into the account provided for in 50-51-110.

(b) Initial and renewal license fees are:

(i) ~~$40~~ *$100* annually for an establishment with no more than 10 rooms available for rental;

(ii) ~~$80~~ *$175* annually for an establishment with more than 10 but not more than 25 rooms available for rental; and

(iii) ~~$160~~ *$250* annually for an establishment with more than 25 rooms available for rental.

(2) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of $25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current license and who operates an establishment governed by this part in the next licensing year.

(b) The late fee must be deposited in the account provided for in 50-51-110."

Section 5. Section 50-52-202, MCA, is amended to read:

"**50-52-202. License fee -- late fee.** (1) (a) Each application for a new license required under 50-52-103 or a license renewal must be accompanied by a fee as provided in subsection (1)(b).

(b) License fees are:

(i) ~~$40~~ *$80* annually for a campground or trailer court with no more than 10 spaces available for rental;

(ii) ~~$60~~ *$150* annually for a campground or trailer court with more than 10 but not more than 25 spaces available for rental; and

(iii) ~~$120~~ *$225* annually for a campground or trailer court with more than 25 spaces available for rental.

(2) Of the fees collected under subsection (1), the department shall deposit 85% into the local board inspection fund account created in 50-2-108, 11.25% into the general fund, and 3.75% into the account provided for in 50-52-210.

(3) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of $25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current license and who operates an establishment governed by this part in the next licensing year.

(b) The late fee must be deposited in the account provided for in 50-52-210."

Section 6. Section 50-53-102, MCA, is amended to read:

"**50-53-102. Definitions.** As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Lazy river" means a constructed watercourse through which people travel by use of flotation devices.

(3) "Local board of health" or "board" means a local board as defined in 50-1-101.

(4) "Local health officer" or "officer" means a local health officer as defined in 50-1-101.

(5) "Person" means a person, firm, partnership, corporation, or organization or the state or any political subdivision of the state.

(6) "Public bathing place" means a body of water with bathhouses and related appurtenances operated for the public.

(7) (a) "Public swimming pool" means an artificial pool and related appurtenances for swimming, bathing, wading, or other aquatic therapy or recreation, including but not limited to natural hot water pools, spas, splash decks, water slides, lazy rivers, and wave pools.

(b) The term does not include:

(i) swimming pools located on private property, including the private common area property of owner-occupied condominium developments, used for swimming or bathing only by the owner, members of the owner's family, or their invited guests; or

(ii) medicinal hot water baths for individual use.

(8) "Seasonal" refers to a pool or spa that operates in 6 or fewer months in a calendar year.

~~(8)~~*(9)* "Spa" means an artificial pool that is designed for recreational bathing or therapeutic use and that is not drained, cleaned, or refilled for individual use. A spa includes but is not limited to a therapeutic pool, hydrotherapy pool, whirlpool, hot tub, or Jacuzzi-type whirlpool bath.

~~(9)~~*(10)* "Splash deck" means a constructed area over which water is sprayed but is not allowed to pool.

~~(10)~~*(11)* "Tourist home" means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

~~(11)~~*(12)* "Wading pool" means a pool in which the water depth does not exceed 2 feet.

~~(12)~~*(13)* "Wave pool" means a swimming pool designed for the purpose of producing wave action in the water.

(14) "Year-round" refers to a pool or spa that operates in more than 6 months in a calendar year."

Section 7. Section 50-53-203, MCA, is amended to read:

"**50-53-203. License fee and late fee -- disposition.** (1) (a) Except as provided in subsection (1)(b), each application for an original or renewal license must be accompanied by a license fee of ~~$200~~ *$225 for a seasonal public swimming pool or $325 for a year-round public swimming pool*.

(b) Each application for an original or renewal license for a spa or wading pool with a total water capacity not exceeding 4,000 gallons must be accompanied by a license fee of ~~$75~~ *$100 for a seasonal facility or $150 for a year-round facility*.

(2) An operator of a public swimming pool or public bathing place who fails to renew a license by the expiration date provided in 50-53-204 and who operates the public swimming pool or public bathing place in the license year for which a renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of $25 for each calendar month after the renewal due date in addition to the renewal fee required by subsection (1). Payment of the late renewal fee does not relieve the operator of responsibility for any operation without a license.

(3) If the local board of health conducts its own inspections and enforcement activities for the public swimming pools and public bathing places within its jurisdiction:

(a) the department shall deposit 85% of the fees collected under subsection (1) in the state special revenue fund to the credit of the local board inspection fund account created by 50-2-108. Money deposited in the local board inspection fund account is subject to appropriation by the legislature for the purposes of 50-53-218.

(b) the department shall deposit 15% of the fees collected under subsection (1) and all the fees collected under subsection (2) in an account in the state special revenue fund to be appropriated by the legislature to the department for the enforcement of part 1 and this part.

(4) If the local board of health has delegated its inspection and enforcement activities for public swimming pools and public bathing places to the department, the department shall deposit all of the fees collected under subsections (1) and (2) in an account in the state special revenue fund to be appropriated by the legislature to the department for the enforcement of part 1 and this part."

Section 8. Section 50-57-205, MCA, is amended to read:

"**50-57-205. License fee -- late renewal fee -- allocation of fees.** (1) For each annual license issued or renewed, the department shall collect a fee of ~~$115~~ *$225*.

(2) A person operating an establishment who fails to renew a license by the expiration date provided in 50-57-206 and who operates the establishment in the license year for which an annual renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of $25 in addition to the annual renewal fee required by subsection (1). Payment of the late renewal fee does not relieve the operator of responsibility for operating without a license.

(3) The department shall deposit the annual fees collected under subsection (1) as follows:

(a) 90% into the state special revenue fund to the credit of the local board inspection fund account, created in 50-2-108;

(b) 5% into the general fund; and

(c) 5% into the account created in 50-57-213 in the state special revenue fund.

(4) The department shall deposit all of the fees collected under subsection (2) into the account created by 50-57-213 in the state special revenue fund."

Approved May 13, 2025

CHAPTER NO. 738

[HB 863]

AN ACT GENERALLY REVISING STATE FINANCE LAWS; REQUIRING THE BOARD OF INVESTMENTS TO PERFORM DUTIES IN A RESTRICTED ENTERPRISE FUND TYPE; ALLOWING THE DEPARTMENT OF REVENUE TO WAIVE INTEREST ON UNDERPAID ESTIMATED TAXES; TEMPORARILY ALLOWING USE OF THE ACCOMMODATIONS TAX FOR HISTORICAL SITES AT REEDER'S ALLEY AND VIRGINIA CITY; PROVIDING FOR TIMELY TRANSFER OF LEGISLATIVE SPACE; PROVIDING AN APPROPRIATION; PROVIDING CONTINGENT APPROPRIATIONS; PROVIDING FOR A STUDY FOR THE OFFICE OF BUDGET AND PROGRAM PLANNING ON EXECUTIVE AGENCY STRUCTURE AND OPERATIONS AND MARKET AND ACTUAL WAGES;

REQUESTING THAT THE GOVERNOR CALL A SPECIAL SESSION IF CERTAIN FEDERAL ACTIONS AFFECTING MONTANA'S ECONOMY OCCUR; AMENDING SECTIONS 2-15-1808, 15-30-2512, 15-65-121, AND 17-7-102, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 2-15-1808, MCA, is amended to read:

"**2-15-1808. Board of investments -- allocation -- composition -- quasi-judicial -- *reporting*.** (1) There is a board of investments within the department of commerce.

(2) Except as otherwise provided in this subsection, the board is allocated to the department for administrative purposes as prescribed in 2-15-121. The board may employ a chief investment officer and an executive director who have general responsibility for selection and management of the board's staff and for direct investment and economic development activities. The board shall prescribe the duties and annual salaries of the chief investment officer, executive director, and six professional staff positions. The chief investment officer, executive director, and six professional staff serve at the pleasure of the board.

(3) The board is composed of nine members appointed by the governor, as prescribed in 2-15-124, and two ex officio, nonvoting members. The members are:

(a) one member from the public employees' retirement board, provided for in 2-15-1009, and one member from the teachers' retirement board provided for in 2-15-1010. If either member of the respective retirement boards ceases to be a member of the retirement board, the position of that member on the board of investments is vacant, and the governor shall fill the vacancy in accordance with 2-15-124.

(b) seven members who will provide a balance of professional expertise and public interest and accountability, who are informed and experienced in the subject of investments, and who are representatives of:

(i) the financial community;

(ii) small business;

(iii) agriculture; and

(iv) labor; and

(c) two ex officio, nonvoting legislative liaisons to the board, of which one must be a senator appointed by the president of the senate and one must be a representative appointed by the speaker of the house. The liaisons may not be from the same political party. Preference in appointments is to be given to legislators who have a background in investments or finance. The legislative liaisons shall serve from appointment through each even-numbered calendar year and may attend all board meetings. Legislative liaisons appointed pursuant to this subsection (3)(c) are entitled to compensation and expenses, as provided in 5-2-302, to be paid by the legislative council.

(4) The board is designated as a quasi-judicial board for the purposes of 2-15-124.

(5) The board shall perform all duties outlined in 2-15-121 subject to the restrictions of Title 17, chapters 5 and 6, in a restricted enterprise fund type pursuant to 17-2-102.

(6) (a) The board shall prepare and present on its budget to the following committees on at least a biannual basis:

(i) the legislative finance committee;

(ii) the state administrative and veterans' affairs interim committee; and

(iii) the general government interim budget committee.

(b) During each legislative session, the board shall report to the house appropriations committee, the senate finance and claims committee, and the general government joint appropriations subcommittee upon request."

Section 2. Section 15-30-2512, MCA, is amended to read:

"**15-30-2512. Estimated tax -- payment -- exceptions -- interest.** (1) (a) Each individual subject to tax under this chapter, except farmers or ranchers as defined in subsection (6), shall pay for the tax year, through employer withholding, as provided in 15-30-2502, through payment of estimated tax in four installments, as provided in subsection (2) of this section, or through a combination of employer withholding and estimated tax payments, at least:

(i) 90% of the tax for the current tax year, less tax credits and withholding allowed the taxpayer; or

(ii) an amount equal to 100% of the individual's tax liability for the preceding tax year, if the preceding tax year was a period of 12 months and if the individual filed a return for the tax year.

(b) Payment of estimated taxes under this section is not required if:

(i) the combined tax liability of employer withholding and estimated tax for the current year is less than $500 after reductions for credits and withholding;

(ii) the individual did not have any tax liability for the preceding tax year, which was a tax year of 12 months, and if the individual was a citizen or resident of the United States throughout that tax year;

(iii) the underpayment was caused by reason of casualty, disaster, or other unusual circumstances that the department determines to constitute good cause; or

(iv) the individual retired in the tax year after having attained the age of 62 or if the individual became disabled in the tax year. In addition, payment of estimated taxes under this section is not required in the tax year following the tax year in which the individual retired or became disabled.

(2) Estimated taxes must be paid in four installments according to one of the following schedules:

(a) Subject to the due date provision in 15-30-2604(1)(b), for each taxpayer whose tax year begins on January 1, estimated tax payments are due on the following dates:

Installment	Date
First	April 15
Second	June 15
Third	September 15
Fourth	January 15 of the following tax year

(b) Subject to the due date provision in 15-30-2604(1)(b), for each taxpayer whose tax year begins on a date other than January 1, estimated tax payments are due on the following dates:

Installment	Date
First	15th day of the 4th month following the beginning of the tax year
Second	15th day of the 6th month following the beginning of the tax year
Third	15th day of the 9th month following the beginning of the tax year
Fourth	15th day of the month following the close of the tax year

(3) (a) Except as provided in subsection (4), each installment must be 25% of the required annual payment determined pursuant to subsection (1).

If the taxpayer's tax situation changes, each succeeding installment must be proportionally changed so that the balance of the required annual payment is paid in equal installments over the remaining period of time.

(b) If the taxpayer's tax situation changes after the date for the first installment or any subsequent installment, as specified in subsection (2)(a) or (2)(b), so that the taxpayer is required to pay estimated taxes, the taxpayer shall pay 25% for each succeeding installment except for the first one in which a payment is required. For estimated taxes required to be paid beginning with the second installment provided for in subsection (2)(a) or (2)(b), the taxpayer shall pay 50% for that installment and 25% for the third and fourth installments, respectively. For estimated taxes required to be paid beginning with the third installment provided for in subsection (2)(a) or (2)(b), the taxpayer shall pay 75% for that installment and 25% for the fourth installment.

(4) (a) If for any required installment the taxpayer determines that the installment payment is less than the amount determined under subsection (3)(a), the lower amount may be paid as an annualized income installment.

(b) For any required installment, the annualized income installment is the applicable percentage described in subsection (4)(c) applied to the tax computed on the basis of annualized Montana taxable income in the tax year for the months ending before the due date for the installment less the total amount of any prior required installments for the tax year.

(c) For the purposes of this subsection (4), the applicable percentage is determined according to the following schedule:

Required Installment	Applicable Percentage
First	22.5%
Second	45%
Third	67.5%
Fourth	90%

(d) A reduction in a required installment resulting from the application of an annualized income installment must be recaptured by increasing the amount of the next required installment, determined under subsection (3)(a), by the amount of the reduction. Any subsequent installment must be increased by the amount of the reduction until the amount has been recaptured.

(5) (a) Subject to subsection (5)(e), if an estimated tax, an employer withholding tax, or a combination of estimated tax and employer withholding tax is underpaid, there must be added to the amount due under this chapter interest on the amount of the underpayment as provided in 15-1-216. The interest is computed on the amount of the underpayment, as determined in subsection (5)(b), for the period from the time the payment was due to the date payment was made or to the 15th day of the 4th month of the year following the tax year in which the payment was to be made, whichever is earlier.

(b) For the purpose of determining the amount of interest due in subsection (5)(a), the amount of the underpayment is the required installment amount less the installment amount paid, if any, on or before the due date for the installment.

(c) For the purpose of determining the amount of interest due in subsection (5)(a), an estimated payment must be credited against unpaid required installments in the order in which those installments are required to be paid.

(d) Interest may not be charged with respect to any underpayment of the fourth installment of estimated taxes if:

(i) the taxpayer pays in full the amount computed on the return as payable; and

(ii) the taxpayer files a return on or before the last day of the month following the close of the tax year referred to in subsection (2)(a) or (2)(b).

(e) Interest on the underpayment of estimated tax may not be assessed against a taxpayer if the tax paid by the taxpayer from employer withholding and estimated tax payments satisfies the requirements of subsection (1)(a)(i) or (1)(a)(ii) and the taxpayer has paid approximately equal quarterly installments of estimated taxes.

(6) For the purposes of this section, "farmer or rancher" means a taxpayer who derives at least 66 2/3% of the taxpayer's gross income, determined for federal income tax purposes, from farming or ranching operations, or both.

(7) The department shall promulgate rules governing reasonable extensions of time for paying the estimated tax. An extension may not be for more than 6 months.

(8) (a) Notwithstanding 15-1-206(2), the department may, in its discretion, waive the interest required to be added under subsection (5), for underpaid estimated taxes attributable to the 2024 tax year, if the taxpayer:

(i) timely files a Montana income tax return for the 2024 income tax year, as provided in 15-3024 2604; and

(ii) when filing the return as provided in subsection (8)(a)(i), pays to the department any balance of income tax remaining unpaid.

(b) The waiver authority provided for under this subsection (8) terminates January 1, 2026."

Section 3. Section 15-65-121, MCA, is amended to read:

"**15-65-121. (Temporary) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through ~~(2)(j)~~ *(2)(k)* of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the department of administration for return to the federal government and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for the purposes designated under 90-1-122, to the emergency lodging for victims of domestic violence or human trafficking account, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) 60.2% to be used directly by the department of commerce as provided in 90-1-122[, and in part to renovate the Miles City train depot];

(f) 0.1% to the emergency lodging for victims of domestic violence or human trafficking account established in 44-4-1506;

(g) (i) except as provided in subsection (2)(g)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(h) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region;

(i) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115; ~~and~~

(j) 2.7% or $1 million, whichever is less, to the Montana heritage preservation and development account provided for in 22-3-1004. The Montana heritage preservation and development commission shall report on the use of funds received pursuant to this subsection (2)(j) to the legislative finance committee on a semiannual basis, in accordance with 5-11-210*; and*

(k) $250,000 in each year of the biennium beginning July 1, 2025, to the Montana heritage commission for projects at Reeder's Alley in Helena and Grace Methodist Church in Virginia City.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(g) are statutorily appropriated to the entities as provided in 17-7-502. The tax proceeds received that are transferred to the emergency lodging for victims of domestic violence or human trafficking account pursuant to subsection (2)(f) are subject to the appropriation provisions in 44-4-1506.

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d), to the Montana historical interpretation state special revenue account pursuant to subsection

(2)(i), and to the Montana heritage preservation and development account pursuant to subsection (2)(j) are subject to appropriation by the legislature. (Terminates June 30, 2027--sec. 12, Ch. 563, L. 2021; sec. 10, Ch. 758, L. 2023; bracketed language in subsection (1)(e) terminates June 30, 2025--sec. 34, Ch. 763, L. 2023.)

15-65-121. (Effective July 1, 2027) Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through (2)(h) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the department of administration for return to the federal government and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund. The amount of $400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for the purposes designated under 90-1-122, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) 63% to be used directly by the department of commerce as provided in 90-1-122;

(f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region; and

(h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d) and to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h) are subject to appropriation by the legislature."

Section 4. Section 17-7-102, MCA, is amended to read:

"**17-7-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) (a) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(b) The term does not include:

(i) funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met;

(ii) funding for petroleum storage tank leak prevention if the accountability benchmarks in 75-11-521 are not met.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget stabilization reserve fund up to 16% of all general revenue appropriations in the second year of the biennium.

(7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(9) "General revenue appropriations" means appropriations from the general fund ~~or~~ *and* the school equalization and property tax reduction account in 20-9-336.

(10) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(11) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(12) "Operating reserve" means an amount equal to 8.3% of all general revenue appropriations in the second year of the biennium.

(13) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(14) "Program" means a principal organizational or budgetary unit within an agency.

(15) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(16) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges supervised and coordinated by the board of regents pursuant to 20-15-103. (Terminates June 30, 2028--sec. 11, Ch. 269, L. 2015.)

17-7-102. (Effective July 1, 2028) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget stabilization reserve fund up to 16% of all general revenue appropriations in the second year of the biennium.

(7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(9) "General revenue appropriations" means appropriations from the general fund ~~or~~ *and* the school equalization and property tax reduction account in 20-9-336.

(10) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(11) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(12) "Operating reserve" means an amount equal to 8.3% of all general revenue appropriations in the second year of the biennium.

(13) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(14) "Program" means a principal organizational or budgetary unit within an agency.

(15) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(16) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges supervised and coordinated by the board of regents pursuant to 20-15-103."

Section 5. Study -- cost-of-living adjustments. During the interim following the 69th legislative session, the legislative finance committee may:

(1) assign to the modernization and risk analysis committee established in 5-12-601 a study of what cost-of-living adjustments may be appropriate based on a state employee's work location, wages, housing costs in the area, and related geographic expenses; or

(2) conduct the study described in subsection (1).

Section 6. Study of executive agency structure and operations -- appropriation. (1) The office of budget and program planning shall study the benefits generated by any principal department of the state, as designated in 2-15-104, to the citizens of Montana.

(2) As part of the study, the office of budget and program planning shall consider the expenses associated with any principal department of the state in order to determine the most efficient and effective delivery of government services to the citizens of Montana.

(3) The study must include an examination of the operation and administration of state-owned health care facilities. The facilities to study may include the Montana state hospital, the Montana chemical dependency center, the Montana mental health nursing care center, the intensive behavioral center, the Montana veterans' home, the eastern Montana veterans' home, and the southwestern Montana veterans' home.

(4) This components of the study must include but are not limited to:

(a) the organization and state administration of state-owned health care facilities in peer states;

(b) resident outcomes at Montana's state-owned health care facilities;

(c) state employee retention and staffing;

(d) the role of contract or temporary staff; and

(e) federal and state compliance.

(5) The office of budget and program planning shall consider the findings of relevant reporting from the legislative audit division.

(6) All aspects of the study must be concluded by September 1, 2026, and if there are findings and recommendations, they must be reported to the legislative finance committee.

(7) There is appropriated $350,000 from the general fund to the office of budget and program planning for the biennium beginning July 1, 2025, to conduct the study provided for in this section.

(8) The office of budget and program planning shall report to the legislative finance committee and work with a subcommittee of the finance committee appointed by the chair of the legislative finance committee on the study and pay for the salary, per diem, and travel expenses of legislative members.

Section 7. Market wage study. (1) The office of budget and program planning shall study the market wages and actual wages of executive branch employees. The office of budget and program planning may allocate funds provided for in subsection (2) to agencies to increase wages for positions for which actual wages differ from market wages and authorize pay adjustments accordingly. The office of budget and program planning may also consider both public sector and comparable private sector wages and specific recruitment and retention issues to determine prevailing market wages for comparable positions.

(2) The following money is appropriated from the designated funds to the office of budget and program planning for the biennium beginning July 1, 2025, to be distributed to agencies to address recruitment and retention issues within executive branch agencies:

(a) $10,600,000 from the general fund;

(b) $7,600,000 from state special revenue funds;

(c) $5,000,000 from federal special revenue funds; and

(d) $2,600,000 from proprietary funds.

(3) Each request must be reviewed and approved by the budget director of the governor's office prior to the transfer of appropriation authority to the agency.

(4) Funds must be used to adjust base pay for employees upon approval by the budget director and must become a part of the base budget of the receiving agency.

Section 8. Federal action and legislative response. During the 2027 biennium, to ensure a responsible and deliberate response to potential federal actions, the governor is encouraged to convene a special session of the legislature, and members of the legislature are encouraged to request the secretary of state to poll legislators pursuant to 5-3-105, if internal review and action by the office of budget and program planning do not generate sufficient mitigation for any of the following events:

(1) a federal bill or other type of legislation or executive order reduces anticipated federal revenues to Montana by more than $500 million for the 2027 biennium;

(2) a federal bill or other type of legislation or executive order cancels previously enacted spending in a manner that reduces anticipated federal revenues to Montana by more than $300 million;

(3) a federal bill or other type of legislation reduces anticipated state general fund revenue by more than $300 million; or

(4) a recession in the United States is declared by the national bureau of economic research before September 1, 2026.

Section 9. Legislative space. On or before June 30, 2025, the legislative audit division shall move out of the capitol into renovated space in the Mitchell building located at 125 north Roberts street, Helena, Montana, as approved by the legislative council pursuant to 2-17-805(6).

Section 10. Contingent appropriation. If a special session is called during the 2027 biennium to address federal actions or a recession as outlined in [section 8], there is appropriated $280,000 from the general fund to the

legislative services division for the biennium beginning July 1, 2025, upon the convening of a special session.

Section 11. Appropriation. (1) (a) There is appropriated $250,000 from the Montana-Ireland trade and development special revenue account to the department of commerce for the biennium beginning July 1, 2025, for implementing the provisions of Senate Bill No. 320.

(b) It is the intent of the legislature that the appropriation in subsection (1)(a) be included in the base budget for the department of commerce for the biennium beginning July 1, 2027.

(2) (a) There is appropriated $7,350,000 from the behavioral health system for future generations fund established in 50-1-119 to the department of public health and human services for the biennium beginning July 1, 2025, for community-based court-ordered forensic fitness evaluations.

(b) The appropriation in subsection (2)(a) is a one-time-only appropriation.

Section 12. Coordination instruction. If both House Bill No. 231 and [this act] are passed and approved, then:

(1) there is appropriated $90 million from the property tax assistance account provided for in House Bill No. 231 to the department of revenue for the biennium beginning July 1, 2025, to provide tax rebates as set forth in House Bill No. 231; and

(2) the section in House Bill No. 231 amending 15-6-134 that is effective for 2025 is void and 15-6-134 must be amended as follows:

"**15-6-134. Class four property -- description -- taxable percentage.** (1) Class four property includes:

(a) subject to subsection (1)(e), all land, except that specifically included in another class;

(b) subject to subsection (1)(e):

(i) all improvements, including single-family residences, trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

(iii) vacant residential lots; and

(iv) rental multifamily dwelling units.

(c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(d) 1 acre of real property beneath an improvement used as a residence on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.

(e) all commercial and industrial property, as defined in 15-1-101, and including:

(i) all commercial and industrial property that is used or owned by an individual, a business, a trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of income;

(ii) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(iii) commercial buildings and parcels of land upon which the buildings are situated; and

(iv) vacant commercial lots.

(2) If a property includes both residential and commercial uses, the property is classified and appraised as follows:

(a) the land use with the highest percentage of total value is the use that is assigned to the property; and

(b) the improvements are apportioned according to the use of the improvements.

(3) (a) Except as provided in 15-24-1402, 15-24-1501, 15-24-1502, and subsection (3)(b) *of this section and subject to subsection (5) of this section*, class four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at ~~1.35%~~ *0.76%* of market value.

(b) The tax rate for the portion of the market value of a single-family residential dwelling in excess of $1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.

(c) The tax rate for commercial property is the residential property tax rate in subsection (3)(a) multiplied by 1.4.

(4) Property described in subsection (1)(e)(ii) is taxed at one-half the tax rate established in subsection (3)(c).

(5) The tax rate for class four residential property provided for in subsection (3)(a) must be equal to a tax rate that results in revenue from the mill levies provided for in 20-9-331, 20-9-333, and 20-9-360 of not less than $452 million."

Section 13. Effective date. [This act] is effective June 30, 2025.

Approved May 13, 2025

CHAPTER NO. 739

[HB 864]

AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; EXPANDING USE OF THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT; REVISING DEFINITIONS; PROVIDING FOR TRANSFERS TO AND FROM THE COMMUNITY COLLEGE FTE ADJUSTMENT ACCOUNT; INCREASING THE RESIDENT NONBENEFICIARY STUDENT PAYMENT FOR TRIBAL COLLEGES; PROVIDING FOR A STUDY BY THE EDUCATION INTERIM BUDGET COMMITTEE OF INTERLIBRARY RESOURCE SHARING PROGRAMS AND THE STRUCTURE AND ORGANIZATION OF THE OFFICE OF PUBLIC INSTRUCTION; AMENDING SECTIONS 20-9-516, 20-15-310, 20-15-328, AND 20-25-428, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Section 20-9-516, MCA, is amended to read:

"**20-9-516. School facility and technology account.** (1) There is a school facility and technology account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide, contingent on appropriation from the legislature, funding for the following in priority order:

(a) school technology purposes*, including but not limited to purposes* ~~as~~ provided in 20-9-534; and

(b) state debt service assistance as provided in 20-9-371.

(2) There must be deposited in the account:

(a) an amount of money equal to the income attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year; and

(b) the income received from certain lands and riverbeds as provided in 17-3-1003(5).

(3) If in any fiscal year the amount of revenue in the school facility and technology account is sufficient to fund debt service assistance without a proration reduction pursuant to 20-9-346(2)(b) and if in that same fiscal year the amount of revenue available in the school major maintenance aid account established in 20-9-525 will result in a proration reduction in school major maintenance aid pursuant to 20-9-525(5) for that fiscal year, the state treasurer shall transfer any excess funds in the school facility and technology account to the school major maintenance aid account not to exceed the amount required to avoid a proration reduction."

Section 2. Section 20-15-310, MCA, is amended to read:

"**20-15-310. Appropriation -- definitions.** (1) As used in [20-15-328] and this section, the following definitions apply:

(a) "Adjusted base" means the state appropriation to a community college *in the base year:*

(i) (A) plus the payment made to the community college for the base year pursuant to 20-15-328(3)(a); or

(B) minus the FTE increase funding factor divided by the FTE decrease funding factor times the payment made to the state for the base year pursuant to 20-15-328(3)(b); and

(C) minus any one-time-only legislative appropriations ~~in the base year minus any one-time-only legislative appropriations, except for one-time-only legislative appropriations made for fiscal year 2022,~~ and appropriations for auditing purposes~~, as well as any reversion pursuant to 17-7-142 before July 1, 2023, and adjusted for actual weighted FTE as determined by the commissioner of higher education in [20-15-328 (2)],~~.

(ii) The amount calculated in subsection (1)(a)(i) is then multiplied by the inflationary factor for the second year of the current biennium.

(b) "Base year" means the first year of the current biennium.

(c) "Concurrent enrollment" means the form of dual enrollment through which a high school student receives instruction in a community college course from a high school instructor.

(d) "CTE FTE" means the FTE derived from students in courses determined by the commissioner of higher education to be career and technical education, based on national standard course classifications. For the purposes of the community college funding formula, FTE generated from a dual enrollment CTE course must be included in the calculation of CTE FTE and not in the concurrent enrollment or early college FTE categories.

(e) "Dual enrollment" means the circumstance in which a high school student is enrolled in both the student's high school and in a community college.

(f) "Early college" means the form of dual enrollment through which a high school student receives instruction in a community college course from a faculty member of the community college.

(g) "FTE" or "full-time equivalent" means the total number of undergraduate resident student credit hours in an academic year divided by 30.

(h) "FTE categories" means CTE FTE, general education FTE, the FTE derived from concurrent enrollment, and the FTE derived from early college. For the purposes of the community college funding formula, FTE generated from a dual enrollment CTE course must be included in the calculation of CTE FTE and not in the concurrent enrollment or early college FTE categories.

(i) "FTE decrease funding factor" means a dollar figure for each year of the ensuing biennium that is determined by the legislature and must be specified in the appropriations act appropriating funds to the community colleges for each biennium.

(j) "FTE increase funding factor" means a dollar figure for each year of the ensuing biennium that is determined by the legislature and must be specified in the appropriations act appropriating funds to the community colleges for each biennium.

(k) "FTE weighting factor" means a multiplier that is applied to changes in resident FTE in each of the FTE categories and that is determined by the legislature and must be specified in the appropriations act appropriating funds to the community colleges for each biennium.

(l) "General education FTE" means the FTE derived from nondual enrollment students in courses determined by the commissioner of higher education to not be career and technical education, based on national standard course classifications.

(m) "Inflationary factor" means the percentage calculated pursuant to 20-9-326, not to exceed 3% and subject to final determination by the legislature as specified in the appropriations act appropriating funds to the community colleges for each biennium.

(n) "Weighted FTE" means*, for each FTE category,* ~~the sum of~~ the FTE in ~~each~~ *that* FTE category multiplied by the corresponding FTE weighting factor.

(2) It is the intent of the legislature that all community college spending, other than from restricted funds, designated funds, or funds generated by an optional, voted levy, be governed by the provisions of this part and the state general appropriations act.

(3) The state general fund appropriation for each community college must be determined as follows:

(a) For the first year of the next biennium, multiply the adjusted base by the inflationary factor for the first year of the next biennium, and to this number *for each FTE category* add the result of multiplying:

(i) any change in the projected weighted ~~resident~~ FTE changes for the first year of the next biennium from the actual weighted ~~resident~~ FTE in the base year; and

(ii) the FTE decrease funding factor or the FTE increase funding factor as appropriate for the first year of the next biennium.

(b) For the second year of the next biennium, multiply the adjusted base by the inflationary factor for the first year of the next biennium, multiply this result by the inflationary factor for the second year of the next biennium, and to this number *for each FTE category* add the result of multiplying:

(i) any change in the projected weighted ~~resident~~ FTE changes for the second year of the next biennium from the actual weighted ~~resident~~ FTE in the base year; and

(ii) the FTE decrease funding factor or the FTE increase funding factor as appropriate for the second year of the next biennium."

Section 3. Section 20-15-328, MCA, is amended to read:

"**20-15-328. Adjustments based on actual weighted FTE -- special revenue account -- statutory appropriation -- *annual transfer.*** (1) There is a community college FTE adjustment account in the state special revenue fund provided for in 17-2-102. The account is statutorily appropriated, as provided in 17-7-502, to the commissioner of higher education for the purposes described in this section.

(2) Beginning at the end of fiscal year ~~2024~~ *2025*, at the end of each fiscal year the commissioner of higher education, utilizing the FTE decrease funding factor and the FTE increase funding factor as appropriate, shall determine the fiscal impacts resulting from the weighted FTE projections on which that fiscal year's state appropriation to a community college was based, pursuant to 20-15-310, and the fiscal impacts that would have resulted had the actual

weighted FTE for that fiscal year been used to determine that fiscal year's state appropriation and shall determine any overpayment or underpayment to the community college for that fiscal year.

(3) At the end of each ~~odd~~ fiscal year, the commissioner shall calculate the ~~net~~ underpayment or overpayment ~~resulting from the underpayment or overpayment of the prior fiscal year and current fiscal year~~ determined under subsection (2) and:

(a) the commissioner shall distribute any ~~net~~ underpayment determined under this subsection (3) to a community college from the community college FTE adjustment account by ~~October~~ *July* 15 of the current calendar year; or

(b) a community college receiving a ~~net~~ overpayment determined under this subsection (3) shall pay a fee equal to the overpayment to the commissioner by ~~October~~ *July* 15 of the current calendar year for deposit in the community college FTE adjustment account.

(4) (a) By August 1 each year, after overpayments have been received and underpayments have been made, any funds remaining in the account must be transferred into the general fund.

(b) If the amount of underpayments exceeds the amount of overpayments, the state treasurer shall transfer the difference of the payments from the general fund to this account for providing underpayments pursuant to subsection (3)."

Section 4. Section 20-25-428, MCA, is amended to read:

"**20-25-428. Tribal college payment for services provided to resident nonbeneficiary students.** (1) Subject to a line item appropriation for purposes of this section, the regents shall provide a payment to tribal colleges for enrolled resident nonbeneficiary students who are taking courses for which credit is transferable to another Montana college or university.

(2) (a) Each tribal college shall apply to the regents for this payment. Except as provided in subsection (7), the money must be distributed on a prorated basis according to the eligible resident nonbeneficiary student enrollment in each tribal college during the previous year.

(b) To qualify, a resident nonbeneficiary student must meet the residency requirements as prescribed for the system by the regents and must be enrolled in courses for which credit is transferable to another Montana college or university.

(c) The distribution for any resident nonbeneficiary student payment must be limited to a maximum annual amount of ~~$3,280~~ *$4,183* for each full-time equivalent student.

(3) A payment is contingent on the tribal college:

(a) being accredited or being a candidate for accreditation by the northwest commission on colleges and universities;

(b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with the regents to provide the regents with documentation on:

(i) the number of resident nonbeneficiary students for whom the tribal college is entitled to a payment under this section; and

(ii) the curriculum to ensure that the content and quality of courses offered by the tribal college are consistent with the standards adopted by the system;

(c) providing the regents with documentation that credits for the courses in which the resident nonbeneficiary students are enrolled will be accepted at another Montana college or university; and

(d) filing with the regents evidence that the college's enrollment of Indian students is at least 51%, as required by the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. 1804.

(4) (a) By June 15 of each year, a tribal college shall report to the regents the number of eligible resident nonbeneficiary students who attended the tribal college in that academic year.

(b) By August 15 of each year, the regents shall calculate the payment for each tribal college based on the number of eligible students submitted pursuant to subsection (4)(a) and distribute the funds to each tribal college.

(5) If funding is available pursuant to subsection (1), the legislature intends that the money be an amount in addition to the system budget approved in the general appropriations act.

(6) All funds appropriated under subsection (1) that are unspent revert to the state general fund.

(7) Prior to receiving money pursuant to subsection (1), each tribal college shall grant to eligible resident nonbeneficiary students who meet the residency requirements, as prescribed for the system by the regents, fee waivers in the same percentage as the number of Indian students who are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system.

(8) The calculation in subsection (7) is not intended to allow the university system to retain the calculated amount of funds. Waivers must be given to eligible students.

(9) As used in this section, "resident nonbeneficiary student" means a resident of the state of Montana who is not:

(a) a member of an Indian tribe; or

(b) a biological child of a member of an Indian tribe, living or deceased."

Section 5. Interim studies by interim budget committee. During the interim following the 69th legislative session, the education budget committee provided for in 5-12-501 shall direct:

(1) a study of the educational and fiscal impact of state funding to support interlibrary resource sharing programs across the state's public, school, academic, special, and tribal libraries; and

(2) a comprehensive study of the organization and structure of the office of public instruction.

Section 6. Reporting. The following agencies shall provide quarterly reports to the education budget committee established in 5-12-501 as follows:

(1) the Montana historical society shall provide updates on the Montana 250th commission activities;

(2) the office of public instruction shall provide updates on:

(a) the transformational learning program if House Bill No. 573 is passed and approved;

(b) the implementation of the high-quality instructional materials initiative if House Bill No. 462 is passed and approved;

(c) the office of public instruction's database modernization project and associated information technology projects;

(d) implementation of revised math content standards; and

(e) all expenditures from the in-state treatment appropriation in House Bill No. 2;

(3) the Montana digital academy shall provide updates on the frontier learning lab initiative if funded in House Bill No. 2;

(4) the office of the commissioner of higher education shall provide updates on the activities of the NAGPRA-Repatriation support team if funded in House Bill No. 2; and

(5) the school for the deaf and blind shall report on the school's education initiative for the professional development of interpreters. The school shall also report on any funds expended in the previous and current quarter and the purpose of those expenditures.

Section 7. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 8. Coordination instruction -- directions to code commissioner. If both House Bill No. 252 and [this act] are passed and approved, the code commissioner is directed to change "quality educator" to "quality educator and qualified staff" in Title 5, Title 20, and all legislation enacted by the 2025 legislature whenever a reference to "quality educator" appears in relation to the quality educator payment provided for in 20-9-327.

Section 9. Coordination instruction. If both House Bill No. 515 and [this act] are passed and approved and if both contain a section that amends 20-9-516, then the sections amending 20-9-516 are void and 20-9-516 must be amended as follows:

"20-9-516. School facility and technology account -- statutory appropriation for school technology purposes. (1) There is a school facility and technology account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide~~, contingent on appropriation from the legislature,~~ funding for the following in priority order:

(a) school technology purposes ~~as~~ provided in ~~20-9-534~~ *subsection (3)*;

(b) contingent on appropriation from the legislature, other technology purposes;

(c) contingent on appropriation from the legislature, school major maintenance aid as provided in 20-9-525; and

~~(b)~~*(d) contingent on appropriation from the legislature,* state debt service assistance as provided in 20-9-371.

(2) There must be deposited in the account:

(a) an amount of money equal to the income attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year; and

(b) the income received from certain lands and riverbeds as provided in 17-3-1003(5)*;*

(c) earnings from the school facilities fund within the coal severance tax trust fund as provided in 17-5-703; and

(d) if applicable, excess interest and income revenue as provided in 20-9-622.

(3) (a) The amount of $1 million a year is statutorily appropriated, as provided in 17-7-502, from the school facility and technology account established in this section for grants for school technology purposes.

(b) By the last working day in August, the superintendent of public instruction shall allocate a portion of the $1 million for school technology purposes to each district based on the ratio that each district's BASE budget bears to the statewide BASE budget amount for all school districts for the purposes of 20-9-533.

~~(3) If in any fiscal year the amount of revenue in the school facility and technology account is sufficient to fund debt service assistance without a proration reduction pursuant to 20-9-346(2)(b) and if in that same fiscal year the amount of revenue available in the school major maintenance aid account established in 20-9-525 will result in a proration reduction in school major maintenance aid pursuant to 20-9-525(5) for that fiscal year, the state treasurer shall transfer any excess funds in the school facility and technology account to the school major maintenance aid account not to exceed the amount required to avoid a proration reduction.~~"

Section 10. Coordination instruction. If both House Bill No. 251 and [this act] are passed and approved, then [section 2(6)(f) of House Bill No. 251], amending 20-6-805, must be replaced with:

"(f) based on the information provided by the office of public instruction in subsection (5)(b), limit the estimated total additional state cost attributable to the basic entitlement in the third year of operations for public charter schools newly approved by the board to the amount specified by the legislature in the appropriations act for the purposes of this program; and"

Section 11. Coordination instruction. If House Bill No. 251, House Bill No. 2, and [this act] are all passed and approved, then the following language must be added to House Bill No. 2 following the Office of Public Instruction appropriations:

"Pursuant to 20-6-805, in approving applications for public charter schools, the Board of Public Education shall ensure that the estimated total additional state cost attributable to the basic entitlement in the third year of operations for public charter schools newly approved by the board does not exceed $1 million for newly approved public charter schools first eligible to open in school fiscal year 2027 and $1 million for newly approved public charter schools first eligible to open in school fiscal year 2028."

Section 12. Effective date. [This act] is effective July 1, 2025.

Section 13. Termination. [Sections 5 and 6] terminate December 31, 2026.

Approved May 13, 2025

CHAPTER NO. 740

[HB 866]

AN ACT ALLOWING THE TERM EMOTIONAL DISABILITY TO BE USED INSTEAD OF THE TERM EMOTIONAL DISTURBANCE AS IT RELATES TO SPECIAL EDUCATION; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Emotional disability -- terms. The term "emotional disability" may be used in place of the term "emotional disturbance" as defined in 34 CFR 300.8(c)(4), as that term relates to the provision of special education services, when used in the Montana Code Annotated or the Administrative Rules of Montana.

Section 2. Appropriation. There is appropriated $100 from the general fund to the office of public instruction for the biennium beginning July 1, 2025, to communicate the allowance provided for in [section 1] in the office's publications related to the provision of special education.

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, part 4, and the provisions of Title 20, chapter 7, part 4, apply to [section 1].

Section 4. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 741

[HB 867]

AN ACT REVISING LAWS RELATED TO THE MEDICAL ASSISTANCE PROGRAM; ESTABLISHING A MEDICAL ASSISTANCE PROGRAM FOR LICENSEES UNDER THE BOARD OF CHIROPRACTORS AND THE BOARD OF VETERINARY MEDICINE; ESTABLISHING A FEE TO FUND THE PROGRAM; AND AMENDING SECTIONS 37-1-131, 37-2-202, 37-2-316, AND 37-12-201, MCA.

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

Section 1. Rehabilitation. (1) The board shall establish a medical assistance program to assist licensees who are found to be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness. The program must provide for assistance to licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward rehabilitation.

(2) The board shall ensure that a licensee who is required or volunteers to participate in the medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified treatment program outside the state unless the board finds that there is no qualified treatment program in this state.

(3) For the purposes of funding this medical assistance program, the board shall adjust the renewal fee to be commensurate with the cost of the program.

Section 2. Section 37-1-131, MCA, is amended to read:

"**37-1-131. Duties of boards -- quorum required.** (1) Under the active supervision of the state as described in 37-1-121(1)(d), a quorum of each board within the department shall:

(a) (i) set and enforce standards and adopt and enforce rules governing the licensing, certification, registration, and conduct of the members of the particular profession or occupation within the board's jurisdiction; and

(ii) apply the standards and rules referred to in subsection (1)(a)(i) in a manner that does not discriminate against any person licensed by the board with regard to how the standards and rules are applied to other persons licensed by the board and that does not restrain trade or competition unless necessary to protect public health and safety;

(b) except as provided in 37-1-321, sit in judgment in hearings for the suspension, revocation, or denial of a license of an actual or potential member of the particular profession or occupation within the board's jurisdiction. The hearings must be conducted by a hearings examiner when required under 37-1-121.

(c) suspend, revoke, or deny a license of a person who the board determines, after a hearing as provided in subsection (1)(b), is guilty of knowingly defrauding, abusing, or aiding in the defrauding or abusing of the workers' compensation system in violation of the provisions of Title 39, chapter 71;

(d) take disciplinary action against the license of a person in a medical assistance program under chapter 3, 4, 7, ~~or~~ 8*, 12, or 18* if, in the period under contract, the licensee has on three separate occasions returned to the use of a prohibited or proscribed substance. The requirements of this subsection (1)(d) may not be construed as affecting the rights of an employer to evaluate, discipline, or discharge an employee.

(e) pay to the department the board's pro rata share of the assessed costs of the department under 37-1-101(6);

(f) consult with the department before the board initiates a program expansion, under existing legislation, to determine if the board has adequate money and appropriation authority to fully pay all costs associated with the proposed program expansion. The board may not expand a program if the board does not have adequate money and appropriation authority available.

(2) A board, board panel, or subcommittee convened to conduct board business must have a majority of its members, which constitutes a quorum, present to conduct business.

(3) A board that requires continuing education or continued state, regional, or national certification for licensees shall require licensees reactivating an expired license to submit proof of meeting the requirements of this subsection for the renewal cycle.

(4) The board under the active supervision of the state as described in 37-1-121(1)(d) or the department program may:

(a) establish the qualifications of applicants to take the licensure examination;

(b) determine the standards, content, type, and method of examination required for licensure or reinstatement of a license, the acceptable level of performance for each examination, and the standards and limitations for reexamination if an applicant fails an examination;

(c) examine applicants for licensure at reasonable places and times as determined by the board or enter into contracts with third-party testing agencies to administer examinations; and

(d) request that the applicant make a personal appearance before the board for nonroutine license applications as defined by the board.

(5) A board shall adopt rules governing the provision of public notice as required by 37-1-311."

Section 3. Section 37-2-202, MCA, is amended to read:

"**37-2-202. Confidentiality of medical assistance program information -- health care information.** (1) The proceedings and records of a medical assistance program created in chapter 3, 4, 7, ~~or~~ 8*, 12, or 18* relating to a licensee who has received or is receiving assistance from the medical assistance program:

(a) are confidential and are considered to be proceedings and records of a professional standards review committee under 37-2-201; and

(b) are not subject to discovery or introduction into evidence in any administrative or judicial proceeding other than a disciplinary proceeding against the licensee before the applicable licensing board. If the proceedings and records are introduced into evidence in a disciplinary proceeding, the introduced materials are public unless otherwise protected by law.

(2) Any health care information, as defined in 50-16-803, that is maintained by a health care provider in the provision of health care services to a licensee participating in a medical assistance program provided for in chapter 3, 4, 7, ~~or~~ 8*, 12, or 18* is subject to discovery from the licensee or the health care provider and to introduction into evidence in an administrative or judicial proceeding as may otherwise be allowed by law."

Section 4. Section 37-2-316, MCA, is amended to read:

"**37-2-316. Assistance program audits.** (1) In each 10-year period, the medical assistance programs provided for in chapters 3, 4, 7, ~~and~~ 8*, 12, and 18* must be audited for performance objectives as determined by each licensing board in chapters 3, 4, 7, ~~and~~ 8*, 12, and 18* at least twice, as provided in subsections (2) and (3).

(2) Licensing boards in chapters 3, 4, 7, ~~and~~ 8*, 12, and 18* shall jointly contract and pay for an external audit of the relevant assistance program once every 5 years. The department shall assess the costs to each licensing board in chapters 3, 4, 7, ~~and~~ 8*, 12, and 18* for the external audit over a corresponding period.

(3) The department shall arrange for an internal audit midway through the subsequent 5-year period and shall assess costs to the licensing boards in chapters 3, 4, 7, ~~and~~ 8*, 12, and 18* for the internal audit, budgeting over the corresponding period."

Section 5. Section 37-12-201, MCA, is amended to read:

"**37-12-201. Organization of board -- powers and duties.** The board shall:

(1) elect annually a president, vice president, and secretary-treasurer from its membership;

(2) administer oaths, take affidavits, summon witnesses, and take testimony as to matters coming within the scope of the board;

(3) make a schedule of minimum educational requirements that are without prejudice, partiality, or discrimination as to the different schools of chiropractic;

(4) adopt rules necessary for the implementation, administration, continuation, and enforcement of this chapter. The rules must address but are not limited to license applications, the display of licenses, and the registration of interns and preceptors.

(5) make determinations of the qualifications of applicants under this chapter; ~~and~~

(6) certify that a chiropractor who meets the standards that the board by rule adopts is a qualified evaluator for purposes of 39-71-711*; and*

(7) (a) establish a medical assistance program to assist licensees who are found to be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness. The program must provide for assistance to licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward rehabilitation.

(b) The board shall ensure that a licensee who is required or volunteers to participate in the medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified treatment program outside the state unless the board finds that there is no qualified treatment program in this state.

(c) For the purposes of funding this medical assistance program, the board shall adjust the renewal fee to be commensurate with the cost of the program."

Section 6. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 18, part 2, and the provisions of Title 37, chapter 18, part 2, apply to [section 1].

Approved May 13, 2025

CHAPTER NO. 742

[HB 869]

AN ACT SUPPORTING THE PREVENTION OF CARDIAC ARREST IN YOUTH ATHLETES; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DEVELOP RESOURCES; REQUIRING COACHES TO UNDERGO TRAINING ON CARDIAC ARREST; REQUIRING COACHES TO HOLD INFORMATIONAL MEETINGS ON CARDIAC ARREST; ALLOWING COACHES, TRAINERS, AND OFFICIALS TO REMOVE A YOUTH ATHLETE FROM PARTICIPATION IF THE YOUTH ATHLETE EXHIBITS WARNING SIGNS OF CARDIAC ARREST; REQUIRING A YOUTH ATHLETE REMOVED FROM PARTICIPATION TO BE CLEARED BY A MEDICAL PROFESSIONAL PRIOR TO RETURNING TO PLAY; CLARIFYING THAT THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS IS ALLOWED AS AN ENHANCEMENT TO SCHOOL AND STUDENT SAFETY AND SECURITY

AND IS THEREFORE AN ALLOWABLE EXPENDITURE FOR SCHOOL MAJOR MAINTENANCE AID; CREATING A REIMBURSEMENT GRANT PROGRAM FOR THE COST OF AUTOMATIC EXTERNAL DEFIBRILLATORS TO BE ADMINISTERED BY THE OFFICE OF PUBLIC INSTRUCTION; PROVIDING A DEFINITION; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-9-236 AND 20-9-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Cardiac arrest response for youth athletes -- purpose -- requirements of schools and superintendent of public instruction. (1) The purposes of this section are to:

(a) support, adopt, and implement a cardiac emergency response plan in schools that integrates evidence-based core elements in accordance with the American heart association guidelines or other nationally recognized, evidence-based standards;

(b) raise awareness among parents of youth athletes about the risks related to cardiac arrest; and

(c) ensure that coaches, athletic trainers, and athletic officials understand the risks of cardiac arrest in youth athletes and that they are trained in cardiopulmonary resuscitation, first aid, and the use of an automatic external defibrillator.

(2) The superintendent of public instruction, after consultation with experts in cardiac arrest prevention, including health professionals, shall develop and make available on the office of public instruction's website an information sheet describing cardiac arrest symptoms and warning signs, including the risks associated with continuing to play or practice after experiencing cardiac arrest symptoms and warning signs. The superintendent of public instruction is encouraged to collaborate with the athletic association, conference, or organization with authority over interscholastic sports in the state in developing materials under this subsection (2) to ensure consistency in information provided to schools, coaches, athletic trainers, and officials.

(3) (a) Beginning in the 2026-2027 school year, in accordance with guidelines set forth by either the American heart association or other nationally recognized, evidence-based standards, each school district and nonpublic school with an athletic department or organized athletic program shall develop a standalone cardiac emergency response plan, or embed a cardiac emergency response protocol within the school safety plan or emergency operations plan, that is venue specific and addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing cardiac arrest or a similar life-threatening emergency while attending or participating in a school-sponsored athletic practice or event.

(b) The plan must integrate, at a minimum, the following elements:

(i) establishing a cardiac emergency response team;

(ii) activating the team in response to a sudden cardiac arrest;

(iii) making a clearly marked automated external defibrillator easily accessible in an unlocked location at each school athletic venue and event. The automated external defibrillators must be accessible during the school day and at any school-sponsored athletic event or team practice in which pupils of the school are participating. The automated external defibrillators must be tested and maintained according to the manufacturer's operational guidelines, and notification must be provided to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location.

(iv) disseminating the plan throughout the school campus;

(v) maintaining ongoing hands-on staff training in cardiopulmonary resuscitation, first aid, and the use of an automatic external defibrillator;

(vi) practicing annually through the use of drills;

(vii) integrating local emergency medical services with the plan; and

(viii) reviewing and evaluating the plan regularly and annually.

(4) Each school year, before a youth athletic activity season begins:

(a) a school district or nonpublic school shall inform each coach of the coach's duties under this section; and

(b) the coach of a youth athletic activity shall:

(i) obtain and maintain certification in cardiopulmonary resuscitation, first aid, and the use of an automatic external defibrillator. Certification in cardiopulmonary resuscitation and the use of an automatic external defibrillator must be consistent with nationally recognized, evidence-based emergency cardiovascular care guidelines.

(ii) hold an informational meeting for students, parents, and assistant coaches before each athletic season regarding the symptoms and warning signs of sudden cardiac arrest, which may include presentations from physicians, pediatric cardiologists, and athletic trainers as well as the information sheet provided under subsection (2).

(5) (a) If an athletic trainer, official, or coach reasonably believes a student is exhibiting symptoms or warning signs of sudden cardiac arrest, the coach may remove the student from participation in a youth athletic activity.

(b) If the student is removed from participation in the youth athletic activity, the coach shall attempt to notify the student's parent or legal guardian.

(6) A student who is removed from participation in a youth athletic activity under subsection (5) may not participate in a youth athletic activity until the student has been evaluated by and received written clearance from a licensed physician, physician assistant, or nurse practitioner.

(7) The sponsor of a recreational youth athletic activity may follow the guidelines provided under this section.

(8) As used in this section, "youth athletic activity" means:

(a) interscholastic athletics;

(b) an athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school district or a nonpublic school, including competitive and noncompetitive cheerleading;

(c) any sports activity sponsored by a school-affiliated club; or

(d) a practice for an activity under subsection (8)(a), (8)(b), or (8)(c), including an interscholastic practice or scrimmage.

Section 2. Section 20-9-236, MCA, is amended to read:

"**20-9-236. Transfer of funds -- improvements to school safety and security.** (1) A school district that has certified to the office of public instruction a current school safety plan or emergency operations plan pursuant to 20-1-401 may transfer state or local revenue from any budgeted or nonbudgeted fund, other than the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school district's estimated costs of improvements to school and student safety and security as follows:

(a) planning for improvements to and maintenance of school and student safety, including but not limited to the cost of staffing for or services provided by architects, engineers, school resource officers, counselors, and other staff or consultants assisting the district with improvements to school and student safety and security;

(b) programs and training for school employees, students, parents, and community members approved by the trustees to support school and student

safety and security, including but not limited to active shooter training, threat assessment practices pursuant to 20-1-401(3)(b), and restorative justice;

(c) installing or updating locking mechanisms and ingress and egress systems at public school access points, including but not limited to systems for exterior egress doors and interior passageways and rooms, using contemporary technologies;

(d) installing or updating bullet-resistant windows and barriers; ~~and~~

(e) installing or updating emergency response systems using contemporary technologies*; and*

(f) providing automated external defibrillators and making other student safety improvements pursuant to [section 1].

(2) Any transfers made pursuant to subsection (1) are not considered expenditures to be applied against budget authority. Any revenue transfers that are not encumbered for expenditures in compliance with subsection (1) within 2 full school fiscal years after the funds are transferred must be transferred back to the originating fund from which the revenue was transferred.

(3) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the transferred funds."

Section 3. Section 20-9-502, MCA, is amended to read:

"**20-9-502. Purpose and authorization of building reserve fund -- subfund structure.** (1) The trustees of any district may establish a building reserve fund to budget for and expend funds for any of the purposes set forth in this section. Appropriate subfunds must be created to ensure separate tracking of the expenditure of funds from voted and nonvoted levies and transfers for school safety pursuant to 20-9-236.

(2) (a) A voted levy may be imposed and a subfund must be created with the approval of the qualified electors of the district for the purpose of raising money for the future construction, equipping, or enlarging of school buildings or for the purpose of purchasing land needed for school purposes in the district. In order to submit to the qualified electors of the district a building reserve proposition for the establishment of or addition to a building reserve, the trustees shall pass a resolution that specifies:

(i) the purpose or purposes for which the new or addition to the building reserve will be used;

(ii) the duration of time over which the new or addition to the building reserve will be raised in annual, equal installments;

(iii) the total amount of money that will be raised during the duration of time specified for the levy; and

(iv) any other requirements under 15-10-425 and 20-20-201 for the calling of an election.

(b) Except as provided in subsection (4)(b), a building reserve tax authorization may not be for more than 20 years.

(c) The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a building reserve proposition must be substantially in compliance with 15-10-425.

(d) The building reserve proposition is approved if a majority of those electors voting at the election approve the establishment of or addition to the building reserve. The annual budgeting and taxation authority of the trustees for a building reserve is computed by dividing the total authorized amount by the specified number of years. The authority of the trustees to budget and

impose the taxation for the annual amount to be raised for the building reserve lapses when, at a later time, a bond issue is approved by the qualified electors of the district for the same purpose or purposes for which the building reserve fund of the district was established. Whenever a subsequent bond issue is made for the same purpose or purposes of a building reserve, the money in the building reserve must be used for the purpose or purposes before any money realized by the bond issue is used.

(3) (a) A subfund must be created to account for revenue and expenditures for school major maintenance and repairs authorized under this subsection (3). The trustees of a district may authorize and impose a levy of no more than 10 mills on the taxable value of all taxable property within the district for that school fiscal year for the purposes of raising revenue for identified improvements or projects meeting the requirements of 20-9-525(2). The 10-mill limit under this subsection (3) must be calculated using the district's total taxable valuation most recently certified by the department of revenue under 15-10-202. The amount of money raised by the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525(3) may not exceed the district's school major maintenance amount. For the purposes of this section, the term "school major maintenance amount" means the sum of $15,000 and the product of $110 multiplied by the district's budgeted ANB for the prior fiscal year. To authorize and impose a levy under this subsection (3), the trustees shall:

(i) following public notice requirements pursuant to 20-9-116, adopt no later than March 31 of each fiscal year a resolution:

(A) identifying the anticipated improvements or projects for which the proceeds of the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525(3) will be used; and

(B) estimating a total dollar amount of money to be raised by the levy, the deposits and transfers authorized under subsection (3)(f) of this section, anticipated state aid pursuant to 20-9-525(3), and the resulting estimated number of mills to be levied using the district's taxable valuation most recently certified by the department of revenue under 15-10-202; and

(ii) include the amount of any final levy to be imposed as part of its final budget meeting noticed in compliance with 20-9-131.

(b) Proceeds from the levy may be expended only for the purposes under 20-9-525(2), and the expenditure of the money must be reported in the annual trustees' report as required by 20-9-213.

(c) Whenever the trustees of a district impose a levy pursuant to this subsection (3) during the current school fiscal year, they shall budget for the proceeds of the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525(3) in the district's building reserve fund budget. Any expenditures of the funds must be made in accordance with the financial administration provisions of this title for a budgeted fund.

(d) When a tax levy pursuant to this subsection (3) is included as a revenue item on the final building reserve fund budget, the county superintendent shall report the levy requirement to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values and a levy on the district must be made by the county commissioners in accordance with 20-9-142.

(e) A subfund in the building reserve fund must be created for the deposit of proceeds from the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525(3).

(f) If the imposition of 10 mills pursuant to subsection (3)(a) is estimated by the trustees to generate an amount less than the maximum levy revenue specified in subsection (3)(a), the trustees may deposit additional funds from any lawfully available revenue source and may transfer additional funds from any lawfully available fund of the district to the subfund provided for in subsection (3)(a), up to the difference between the revenue estimated to be raised by the imposition of 10 mills and the maximum levy revenue specified in subsection (3)(a). The district's local effort for purposes of calculating its eligibility for state school major maintenance aid pursuant to 20-9-525 consists of the combined total of funds raised from the imposition of 10 mills and additional funds raised from deposits and transfers in compliance with this subsection (3)(f).

(4) (a) A voted levy may be imposed and a subfund must be created with the approval of the qualified electors of the district to provide funding for transition costs incurred when the trustees:

(i) open a new school under the provisions of Title 20, chapter 6;

(ii) close a school;

(iii) replace a school building;

(iv) consolidate with or annex another district under the provisions of Title 20, chapter 6; or

(v) receive approval from voters to expand an elementary district into a K-12 district pursuant to 20-6-326.

(b) Except as provided in subsection (4)(c), the total amount the trustees may submit to the electorate for transition costs may not exceed the number of years specified in the proposition times the greater of 5% of the district's maximum general fund budget for the current year or $250 per ANB for the current year. The duration of the levy for transition costs may not exceed 6 years.

(c) If the levy for transition costs is for consolidation or annexation:

(i) the limitation on the amount levied is calculated using the ANB and the maximum general fund budget for the districts that are being combined; and

(ii) the proposition must be submitted to the qualified electors in the combined district.

(d) The levy for transition costs may not be considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406.

(5) (a) A subfund in the building reserve fund must be created for:

(i) the funds transferred to the building reserve fund for school safety and security pursuant to 20-9-236; and

(ii) funds generated by a voter-approved levy for school and student safety and security pursuant to subsection (5)(b) of this section.

(b) A voted levy may be imposed with the approval of the qualified electors of the district to provide funding for improvements to school and student safety and security that meet any of the criteria set forth in ~~20-9-236(1)(a) through (1)(c)~~ *20-9-236(1)*. A voted levy for school and student safety and security may not be considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406. The election for a voted levy for school and student safety and security must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a building reserve proposition must be substantially in compliance with 15-10-425."

Section 4. Appropriation. (1) There is appropriated $240,000 from the general fund to the office of public instruction for the biennium beginning July 1, 2025, to support school districts in implementing the requirements of [section 1].

(2) The office of public instruction shall administer a grant program to reimburse school districts for the purchase and ongoing maintenance of automatic external defibrillators as part of the implementation of [section 1]. The grant program shall provide a reimbursement of $1 for every $1 paid by a school district up to a maximum state contribution of $700 per automatic external defibrillator.

(3) The office of public instruction may use up to 5% of the appropriation in this section for the purpose of administering the reimbursement grant program.

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, part 13, and the provisions of Title 20, chapter 7, part 13, apply to [section 1].

Section 6. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 743

[HB 872]

AN ACT GENERALLY REVISING LICENSING LAWS; CLARIFYING WHO IS PERMITTED TO PROVIDE AN OPINION OR ESTIMATE OF MARKET VALUE AS TO REAL PROPERTY TRANSACTIONS; PROVIDING DEFINITIONS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 37-54-102 AND 37-54-201, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 37-54-102, MCA, is amended to read:

"**37-54-102. Definitions.** Terms commonly used in appraisal practice and as used in this chapter must be defined according to the uniform standards of professional appraisal practice, as issued by the appraisal foundation. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Appraisal" means the practice of developing an opinion of the value of real property in conformance with the uniform standards of professional appraisal practice as developed by the appraisal foundation.

(2) "Appraisal foundation" means the appraisal foundation incorporated as a not-for-profit corporation on November 30, 1987, pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 U.S.C. 3310, et seq. The purposes of the appraisal foundation are to:

(a) establish and improve uniform appraisal standards by defining, issuing, and promoting those standards;

(b) establish appropriate criteria for the licensure and certification of qualified appraisers by defining, issuing, and promoting qualification criteria and disseminate the qualification criteria to states and other governmental entities; and

(c) develop or assist in the development of appropriate examinations for qualified appraisers.

(3) "Appraisal management company" means, in connection with valuation of properties collateralizing mortgage loans or mortgages incorporated into a securitization, an external third party, authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets, that oversees a network or panel of more than 15 certified or licensed appraisers in this state or 25 or more nationally within a given year.

(4) "Appraisal management services" means the direct or indirect performance of any of the following functions on behalf of a lender, financial institution, client, or other person in conjunction with a consumer credit transaction that is secured by a consumer's principal dwelling:

(a) administering an appraiser panel;

(b) recruiting, retaining, or selecting appraisers to be part of an appraisal panel;

(c) qualifying and verifying licensing or certification, negotiating fees, and verifying service level expectations with appraisers who are part of an appraiser panel;

(d) contracting with appraisers from the appraiser panel to perform appraisal assignments;

(e) receiving an order for an appraisal assignment from one person and delivering the order for the appraisal assignment to an appraiser who is part of an appraiser panel for completion;

(f) managing the process of having an appraisal assignment performed, including performing administrative duties such as receiving appraisal assignment orders and reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed;

(g) tracking and determining the status of orders for appraisal assignments;

(h) conducting quality control examinations of a completed appraisal assignment prior to the delivery of the appraisal report to a client who ordered the appraisal assignment; and

(i) providing a completed appraisal report performed by an appraiser to one or more clients.

(5) (a) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment.

(b) The term does not include a quality control examination.

(6) "Appraiser" means an individual who holds a license or certification to complete an appraisal assignment in the state where the real property that is the subject of the appraisal assignment is located.

(7) "Appraiser panel" means a network of licensed or certified appraisers who are independent contractors with respect to an appraisal management company and who have:

(a) responded to an invitation, request, or solicitation from an appraisal management company to:

(i) perform an appraisal assignment for a client that has ordered an appraisal assignment through the appraisal management company; or

(ii) perform appraisal assignments for the appraisal management company directly as requested and assigned by the appraisal management company; and

(b) been selected and approved by an appraisal management company to perform appraisal assignments for any client of the company that has ordered an appraisal assignment through the company or to perform appraisal assignments for the appraisal management company directly on a periodic basis as assigned by the appraisal management company.

(8) "Board" means the board of real estate appraisers provided for in 2-15-1758.

(9) "Certified real estate appraiser" means a person who develops and communicates real estate appraisals and who has a valid real estate appraisal certificate issued under 37-54-305.

(10) "Controlling person" means:

(a) an owner, officer, or director of a corporation, partnership, or other business entity that offers appraisal management services in this state;

(b) an individual employed, appointed, or authorized by an appraisal management company to enter into a contractual relationship with other persons for the performance of appraisal management services and to enter into agreements with appraisers for the performance of appraisal assignments; or

(c) an individual who possesses directly or indirectly the power to direct or cause the direction of the management or policies of an appraisal management company.

(11) "Department" means the department of labor and industry provided for in 2-15-1701.

(12) "Evaluation" means an estimate of the market value of real property provided to a financial institution in accordance with the federal interagency appraisal and evaluation guidelines published by the federal financial institutions regulatory agencies for use in a real estate-related financial transaction for which an appraisal by a licensed or certified appraiser is not required by federal law.

(13) "Federal financial institutions regulatory agencies" means the board of governors of the federal reserve system, the federal deposit insurance corporation, and the office of the comptroller of the currency, the office of thrift supervision, and the national credit union administration.

(14) "Financial institution" means an insured depository institution as defined in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. 1813, or an insured credit union as defined in section 101 of the Federal Credit Union Act, 12 U.S.C. 1752.

~~(12)~~*(15)* "Licensed real estate appraisal trainee" means a person authorized only to assist a certified real estate appraiser in the performance of an appraisal assignment.

~~(13)~~*(16)* "Licensed real estate appraiser" means a person who holds a current valid real estate appraiser license issued under 37-54-201.

~~(14)~~*(17)* "Person" means an individual, firm, partnership, association, corporation, or other business entity.

~~(15)~~*(18)* "Quality control examination" means an examination of an appraisal report for completeness, including grammatical, mathematical, and typographical errors.

~~(16)~~*(19)* "Real estate appraiser mentor" means a certified real estate appraiser who meets the qualifications set by the board and is approved by the board to supervise licensed real estate appraisal trainees.

(20) "Real estate-related financial transaction" means any transaction involving:

(a) the sale, lease, purchase, or exchange of or investment in real property, including interests in real property, or the financing of real property;

(b) the refinancing of real property or interests in real property; or

(c) the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities."

Section 2. Section 37-54-201, MCA, is amended to read:

"**37-54-201. Real estate appraiser license -- scope and display of license.** (1) ~~Upon~~ *On* proof that an applicant meets the qualifications set out in 37-54-202, the board shall issue to the applicant a real estate appraiser license.

(2) The term "licensed real estate appraiser" may not be used to describe a firm, partnership, corporation, group, or anyone other than an individual licensee. However, a licensed real estate appraiser may engage in real estate appraisal as a professional corporation.

(3) This chapter does not preclude a person who is not a licensed or certified real estate appraiser from ~~appraising~~ *providing an opinion or estimate of market value as to* real property for transactions ~~not related to a federal agency or project for compensation~~ if the person does not purport to be a licensed or certified real estate appraiser. A person who purports that the person or the person's company is licensed under this section or certified under 37-54-302 and 37-54-303 without possessing the applicable license or certificate is guilty of a misdemeanor.

(4) This section does not:

(a) prohibit a person who is licensed to practice in this state under any law from engaging in the practice for which the person is licensed;

(b) apply to public officials in the conduct of their official duties that are not governed by the rules established by the federal financial institutions examination council agencies.

(5) A licensed or certified real estate appraiser is subject to restrictions on the scope of practice, depending on the value and complexity of the federally related transaction or transactions pursuant to rules established by the federal financial institutions examination council agencies, and the restrictions must remain current with any changes in those rules.

(6) A licensed real estate appraiser shall conspicuously display the license in the appraiser's principal place of business.

(7) A licensed or certified real estate appraiser may provide an evaluation. When providing an evaluation, a licensed or certified real estate appraiser:

(a) is not required to comply with 37-54-403(1);

(b) may not indicate in any way that the licensed or certified real estate appraiser is a licensed or certified real estate appraiser; and

(c) shall include the following disclaimer on the first page of the evaluation: "This is an evaluation not subject to compliance with the Uniform Standards of Professional Appraisal Practice." ~~.~~"

Section 3. Appropriation. There is appropriated $1,000 from the general fund to the department of labor and industry for the fiscal year beginning July 1, 2025, to implement the changes established in [section 1].

Section 4. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 744

[HB 876]

AN ACT CREATING THE SAWMILL REVITALIZATION SPECIAL REVENUE ACCOUNT; AUTHORIZING THE BOARD OF INVESTMENTS TO PROVIDE LOANS TO PARTIES; PROVIDING AN APPROPRIATION; PROVIDING FOR A FUND TRANSFER; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Sawmill revitalization special revenue account. (1) There is a sawmill revitalization special revenue account within the state special revenue fund established in 17-2-102.

(2) The board of investments shall administer money deposited in the account in accordance with the Montana In-State Investment Act, Title 17, chapter 6, part 3.

(3) The board shall make loans at an interest rate not to exceed 4% from this account to parties with the capacity to revitalize a closed sawmill and return it to commercial operation.

Section 2. Transfer of funds. By June 30, 2025, the state treasurer shall transfer $6 million from the capital developments long-range building program account established in 17-7-209 to the sawmill revitalization special revenue account provided for in [section 1].

Section 3. Appropriation. (1) There is appropriated $6 million from the sawmill revitalization account in [section 1] to the board of investments for the biennium ending June 30, 2027, to provide loans to parties with the capacity to revitalize a closed sawmill and return it to commercial operation pursuant to [this act].

(2) Money from this appropriation that is not spent during the biennium must revert to the capital developments long-range building program account.

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 90, chapter 1, and the provisions of Title 90, chapter 1, apply to [section 1].

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Termination. [This act] terminates June 30, 2027.

Approved May 13, 2025

CHAPTER NO. 745

[HB 882]

AN ACT GENERALLY REVISING ALCOHOL LAWS; REVISING LAWS RELATING TO SALES BY CERTAIN LICENSEES IN ADDITIONAL STRUCTURES OR BUILDINGS; PROVIDING A FEE; REVISING LAWS RELATING TO THE SALES OF ALCOHOLIC BEVERAGES BY ENTITIES; AMENDING SECTIONS 16-3-302, 16-3-311, 16-4-213, AND 16-6-303, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 16-3-302, MCA, is amended to read:

"**16-3-302. Sale by retailer for consumption on premises -- *fees.*** (1) It is lawful for a licensed retailer to sell and serve beer, either on draft or in containers, to the public to be consumed on the premises of the retailer.

(2) It is lawful for a licensee who has an all-beverages license that the licensee uses at a golf course to sell alcoholic beverages and for a licensee who has a golf course beer and wine license issued under 16-4-109 to sell beer and wine:

(a) in the building or other structural premises constituting the clubhouse or primary indoor recreational quarters of the golf course;

(b) upon department approval and submission of a fee, in an additional building or other structure, one per 9 holes of the golf course, that is designed to serve golfers during the course of play; and

(c) at any place within the boundaries of the golf course, from a portable satellite vehicle or other movable satellite device that is moved from place to place.

(3) It is lawful to consume alcoholic beverages sold as provided in subsection (2) at any place within the boundaries of the golf course, whether inside or outside of a building or other structure.

(4) (a) It is lawful for a licensee who has an all-beverages license or a resort area all-beverages license to sell alcoholic beverages:

(i) if the licensee's premises include a hotel and are not located within the boundaries of a incorporated city or incorporated town quota area, in up to two licensed alcohol service structures separate from the main licensed premises within the exterior boundaries of the same property that are owned, leased, or otherwise under the control and operated by the same property owner, licensee, and if applicable, concessionaire;

~~(i) in the building or other structural premises constituting the primary indoor lodging quarters of a hotel or other short-term lodging facility;~~

(ii) if the licensee's premises include a swimming pool, in a permanent, licensed alcohol service structure in the swimming pool area separate from the main licensed premises;

(iii) if the licensee's premises include a ski hill, in up to two permanent, licensed alcohol service structures separate from the main licensed premises within the exterior boundaries of the same premises that are owned, leased, or otherwise under the control of and operated by the same property owner, licensee, and if applicable, concessionaire;

(iv) if the licensee's premises include a golf course, the premises in addition to the main licensed premises may include:

(A) the building or alcohol service structure constituting the clubhouse or primary recreational quarters of the golf course that is separate from the main licensed premises; and

(B) the outdoor area within the boundaries of the golf course.

(b) Buildings or structural premises allowed under this subsection (4) may be separate from the building comprising the main licensed premises but must otherwise meet the premises suitability requirements of 16-3-311. The licensee shall pay an application fee of $100 for each area allowed under this subsection (4).

(5) It is lawful for a licensee who has an on-premises consumption license that is operated within a resort area as defined in 16-4-212 to allow the on-premises consumption of alcoholic beverages not sold or provided at the licensed premises if those alcoholic beverages are sold or provided by another on-premises licensee authorized to sell the same type of alcoholic beverages within the same resort area.

~~(5)~~*(6)* (a) It is lawful for a licensee who has an all-beverages license or has a retail license issued under 16-4-105 to sell and serve alcoholic beverages for which the licensee is licensed at a guest ranch as defined in 16-1-106. The guest ranch must be owned by the licensee or by a concessionaire with which the licensee has a concession agreement under 16-4-418. For a license operated at a guest ranch, alcoholic beverages may be served anytime within the outdoor portions of the licensed premises and in ~~one~~ *up to three* permanent ~~building~~ *buildings* at any time during the hours allowed under 16-3-304.

(b) An applicant or licensee desiring to operate a license as described in this subsection ~~(5)~~ *(6)* shall submit to the department a premises floorplan that describes the premises as a guest ranch and depicts both the indoor and outdoor portions of the premises. The floorplan *of the licensed premises and each additional building* must be submitted to the department as part of a license application or as part of a premises alteration request as described in 16-3-311(2). *The license application or premises alteration request must be accompanied by a fee of $100 for each additional building.*

(c) A license operated at a guest ranch is subject to the requirements that are applicable to retail licenses generally, including the premises suitability provisions of 16-3-311, except that:

(i) the premises may include any number of temporary, mobile, or partial structures, including but not limited to tents, teepees, yurts, picnic shelters, recreational vehicles, wagons, trailers, or any other structures that are not permanent buildings, provided that all temporary, mobile, or partial structures may not be used for alcohol storage purposes unless approved by the department, and may only be used for alcohol service and consumption if they remain within the licensee's approved outdoor premises area;

(ii) the premises may include any outdoor areas in which the licensee or concessionaire has possessory interest, which may be demonstrated by property ownership records, a lease agreement, a concession agreement, or other evidence of possessory interest acceptable to the department;

(iii) the premises may be separated by roadways, waterways, natural barriers, or fence lines if the premises are otherwise contiguous;

(iv) a perimeter barrier is not required if the property line is otherwise marked; and

(v) the premises may be identified on the license by legal description rather than by building address.

(d) For the purposes of this subsection ~~(5)~~ *(6)*, the term "permanent building" means a fixed, nonmobile structure with floor-to-ceiling exterior walls, a full roof, electrical wiring, and plumbing fixtures."

Section 2. Section 16-3-311, MCA, is amended to read:

"**16-3-311. Suitable premises for licensed retail establishments.** (1) (a) A licensed retailer may use a part of a building as premises licensed for on-premises consumption of alcoholic beverages, except as otherwise allowed in 16-3-302~~(4)~~. The licensed retailer must demonstrate that it has adequate control over all alcoholic beverages to prevent self-service, service to underage persons, and service to persons who are actually or apparently intoxicated. Except as provided in subsections (8), (10), and (11), the premises must be separated from the rest of the building by permanent walls but may have inside access to the rest of the building at all times even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which the alcoholic beverages are served. A licensee may lease the kitchen or another specified area to allow another business entity to operate a business within its premises without permanent floor-to-ceiling walls and without a concession agreement if the other business does not take orders for, serve, or deliver alcohol and has a separate point of sale system. If the premises are located in a portion of a building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access.

(b) A resort retail all-beverages licensee, a retail all-beverages licensee, or an on-premises consumption beer and wine licensee within the boundaries of a resort area may also utilize up to three alternate alcoholic beverage storage facilities as allowed in 16-4-213(8).

(2) A licensee may alter the approved floorplan of the premises. The alteration must be consistent with the requirements of subsection (1)(a). A licensee shall provide a copy of the revised floorplan with the proposed alteration for the licensed premises to the department within 7 days of beginning the alteration. Department approval may not be unreasonably withheld. If the completed alteration differs from the approved alteration due to modifications required for approval by other state or local government entities, such as compliance with fire or building codes, the department must be notified, but preapproval is not required for these modifications. An alteration for the purposes of this

section is any structural change in a premises that does not increase the square footage of the existing approved premises. An alteration that increases the square footage of the existing approved premises must be approved by the department prior to beginning the alteration. A cosmetic change, such as painting, carpeting, or other interior decorating, is not considered an alteration under this section. If the alteration does not require the licensee to obtain a building permit, then the inspections by local government agencies may not be required for department approval.

(3) The interior portion of the licensed premises must be a continuous area that is under the control of the licensee and not interrupted by any area in which the licensee does not have adequate control and includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators.

(4) The premises may include one or more exterior patios or decks as long as sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional perimeter barrier may not be required if an existing boundary naturally defines the outdoor service area and impedes foot traffic.

(5) Premises suitability does not include a minimum number of seats.

(6) A licensed retailer may apply to the department to have a noncontiguous storage area that is under the control of the licensed retailer approved for onsite alcoholic beverage storage separate from its service area as long as the licensed retailer demonstrates that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access. The application fee is $100. On department approval, an on-premises consumption retailer's keg storage and beer lines running into the licensed premises may be in a noncontiguous storage area provided that the licensee is able to maintain control and adequate safeguards are in place to prevent public access.

(7) A licensed retailer operating within a hotel or similar short-term lodging facility may apply to the department to allow for the delivery of alcoholic beverages to guests of accommodation units, and the prestocking of alcoholic beverages in accommodation units is allowed for the accommodation units within the property as long as the purchaser's age is verified and there are adequate safeguards in place to prevent underage service. The application fee is $100.

(8) An on-premises consumption retailer may be located adjacent to a brewery or winery if the licensees are able to maintain control of their respective premises through adequate physical separation.

(9) (a) For the purposes of this section, "adequate physical separation" means:

(i) the premises of the retailer and the premises of the brewery or winery are secured after business hours from each other and from any other business, including but not limited to prohibiting a customer from accessing a brewery sample room and purchasing alcohol after the brewery tasting room hours of operation as specified in 16-3-213(2)(b); and

(ii) the separation may include doors, gates, or windows that may be left open during business hours.

(b) The term does not require permanent floor-to-ceiling walls.

(10) For colocated premises authorized in 16-4-401(9), there are no physical separation requirements applied by this code but the licensee shall follow any federal requirements.

(11) A public airport all-beverages licensee, licensed pursuant to 16-4-208, or the Yellowstone airport beer and wine licensee, licensed pursuant to 16-4-304, may use the airport terminal or part of the terminal as premises licensed for the on-premises consumption of alcoholic beverages without regard to other businesses or uses in the terminal. The airport licensee must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access."

Section 3. Section 16-4-213, MCA, is amended to read:

"**16-4-213. Resort retail all-beverages licenses.** (1) After a resort area has been approved, applications may be filed with the department for the issuance of resort retail all-beverages licenses within the resort area.

(2) (a) Except as provided in subsections (2)(b) and (2)(c), the department may issue one resort retail all-beverages license for the first 100 accommodation units and an additional license for each additional 50 accommodation units within an approved resort area as long as the recreational facilities under 16-4-212 have also been completed.

(b) (i) For a resort area with a perimeter containing at least 500 contiguous acres that has a current actual valuation of completed recreational facilities, including land and improvements, of not less than $20 million, the department may issue up to 10 resort retail all-beverages licenses regardless of the number of accommodation units.

(ii) For a resort area with a perimeter containing at least 2,000 contiguous acres that has a current actual valuation of completed recreational facilities, including land and improvements, of not less than $40 million, the department may issue up to 25 resort retail all-beverages licenses regardless of the number of accommodation units.

(c) A resort area designation application to the department that received approval prior to January 1, 1999, is entitled to the issuance of one resort retail all-beverages license for a $20,000 license fee. Any additional resort retail all-beverages licenses issued to a resort area under this subsection (2)(c) must meet the accommodation unit requirement in subsection (2)(a) of this section and pay the license fee and renewal fees as provided in 16-4-501.

(d) (i) For purposes of this code, "accommodation unit" means a unit that is available for short-term guest rental and includes:

(A) a single-family home;

(B) a single unit of an apartment, condominium, or multiplex;

(C) a single room of a hotel or motel; or

(D) similar living space. A space under this subsection (2)(d)(i)(D) must be distinctly separated from other living spaces within the building and have its own sleeping, bath, and toilet facilities.

(ii) In order to qualify toward the required total for the purposes of subsection (2)(a), accommodation units may not be located within the boundaries of a quota area as provided in 16-4-201(1) or (2) as of the date of submission for a resort retail all-beverages license.

(3) Regardless of how many resort area all-beverages licenses are issued in a resort area, no more than 20 gambling machine permits may be issued for the resort area.

(4) A resort retail all-beverages license within the resort area:

(a) is subject to all other requirements of an all-beverages license in this code, except:

(i) for the purposes of premises suitability under 16-3-311, a licensed retailer may use a part of the building as a licensed premises for the consumption of alcoholic beverages on the premises. The premises must be separated from the rest of the building by permanent walls but may have inside access to the rest of the building at all times even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which alcoholic beverages are served. If the premises are located in a portion of a building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access;

(ii) the interior portion of the licensed premises must be a continuous area that is under the control of the licensee and not interrupted by any area in which the licensee does not have adequate control, and includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators; ~~and~~

(iii) the on-premises consumption of alcoholic beverages not sold or provided at the premises is allowed if those alcoholic beverages were sold or provided by another on-premises licensee authorized to sell the same type of alcoholic beverages within the same resort area; and

~~(iii)~~*(iv)* the premises may include one or more exterior patios or decks as long as sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional perimeter barrier may not be required if an existing boundary naturally defines the outdoor service area and impedes foot traffic.

(b) is not subject to the quota limitations set forth in 16-4-201; and

(c) is transferable to another location within the boundaries of the resort area or to another owner to be used at a location within the boundaries of the resort area.

(5) For licenses issued under this section, a licensee may apply to the department to allow for the delivery of alcohol to guests of accommodation units and the prestocking of alcoholic beverages in accommodation units within the designated resort area property as long as the purchaser's age is verified. The application fee is $100.

(6) Employees of the resort licensee who sell, serve, or deliver alcohol must be trained as provided in 16-4-1005.

(7) A resort retail all-beverages licensee whose premises is located outside of a quota area as defined in 16-4-201(1) or (2) may enter into a maximum of one concession agreement per license with an unlicensed entity to serve alcoholic beverages. Except for 16-4-418(1), the provisions of 16-4-418 apply.

(8) If a resort area has two or more resort retail all-beverage licenses or retail all-beverages licenses within the boundaries of the resort, the licensees may also apply to use a resort alternate alcoholic beverage storage facility to be located within the resort area. The application fee is $100. The alternate storage facility will be considered part of each licensee's existing licensed premises, though it does not need to be contiguous to qualify for approval. The licensees using the alternate storage facility must meet all requirements to ensure the secure storage of alcoholic beverages and prevent on-site consumption of alcoholic beverages. Alcoholic beverages in sealed containers

belonging to multiple licensees within the resort area may be stored in the same storage facility. A resort retail licensee or retail licensee who is approved to use the alternate storage facility may accept delivery of alcoholic beverages at the alternate storage facility and may transfer alcoholic beverages to another licensee approved to use the alternate storage facility. Any transfer of alcoholic beverages between approved licensees must be properly accounted for. Approval to use the alternate storage facility must be documented on the face of each license within the resort area that applies to use the alternate storage facility.

(9) A license issued under this section may offer curbside pickup between 8 a.m. and 2 a.m. in original packaging, prepared servings, or growlers."

Section 4. Section 16-6-303, MCA, is amended to read:

"**16-6-303. Sale of liquor not purchased or transferred from agency liquor store forbidden -- penalty.** ~~It~~ *Except as otherwise allowed under 16-3-302(5) and 16-4-213(4)(a)(iii), it* is unlawful for any licensee to sell or keep for sale or have on the licensee's premises for any purpose any liquor except that purchased from an agency liquor store or transferred as allowed in 16-4-404(7). Any licensee found in possession of or selling and keeping for sale any liquor that was not purchased from an agency liquor store or transferred as allowed in 16-4-404(7) shall, upon conviction, be punished by a fine of not less than $500 or more than $1,500, by imprisonment for not less than 3 months or more than 1 year, or by both fine and imprisonment. If the department is satisfied that the liquor was knowingly sold or kept for sale within the licensed premises by the licensee or by the licensee's agents, servants, or employees, the department shall immediately revoke the license."

Section 5. Effective date. [This act] is effective June 1, 2025.

Approved May 13, 2025

CHAPTER NO. 746

[HB 888]

AN ACT REVISING LOCAL BOARD OF HEALTH POWERS RELATED TO ISOLATION AND QUARANTINE ORDERS; PROHIBITING A LOCAL BOARD OF HEALTH FROM REQUIRING A VACCINATION OR OTHER MEDICATION; PROVIDING AN APPROPRIATION; AMENDING SECTION 50-2-116, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 50-2-116, MCA, is amended to read:

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

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

(i) a physician;

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

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

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

(c) adopt bylaws to govern meetings;

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

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

(i) epidemiological tracking and investigation;

(ii) screening and testing;

(iii) isolation and quarantine measures;

(iv) diagnosis, treatment, and case management;

(v) abatement of public health nuisances;

(vi) inspections;

(vii) collecting and maintaining health information;

(viii) education and training of health professionals; or

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

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

(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;

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

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

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

(2) Local boards of health may:

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

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

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

(i) for the control of communicable diseases;

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

(iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;

(iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;

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

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

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

(vi) to implement the public health laws;

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

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

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

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

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

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

(5) A regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi) adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

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

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

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

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

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

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

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

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

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

(8) A local board of health may not require a person to receive any type of vaccination, medication, supplement, or other type of drug treatment.

~~(8)~~*(9)* As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

Section 2. Appropriation. There is appropriated $300 from the general fund to the department of public health and human services for the biennium beginning July 1, 2025, for the purpose of notifying local boards of health of the statutory changes implemented in [this act].

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 747

[HB 891]

AN ACT GENERALLY REVISING LAWS RELATED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AUTHORIZING THE OFFICE OF INSPECTOR GENERAL TO ISSUE SUBPOENAS TO COMPEL PRODUCTION OF CERTAIN RECORDS RELEVANT TO INVESTIGATIONS OF WASTE, FRAUD, OR ABUSE; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Department of public health and human services to investigate reports of waste, fraud, or abuse -- subpoena power. (1) There is an office of inspector general in the department of public health and human services. The office of inspector general may issue a subpoena to compel the production of financial records, documents, records, or data, including information in electronic form, relevant to its investigation of waste, fraud, or abuse in health care services and public assistance programs administered by the department.

(2) A subpoena must be signed by the director of the department of public health and human services and the inspector general.

Section 2. Appropriation. There is appropriated $5,000 from the general fund to the department of public health and human services for the biennium beginning July 1, 2025, to implement the provisions of [section 1].

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 2, part 1, and the provisions of Title 53, chapter 2, part 1, apply to [section 1].

Section 4. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 748

[HB 897]

AN ACT ESTABLISHING A NONRESIDENT WILDLIFE MANAGEMENT AREA SHED HUNTING LICENSE; IMPLEMENTING A WAITING PERIOD

FOR NONRESIDENTS; ESTABLISHING VIOLATIONS AND ESTABLISHING PENALTIES; DEFINING SHED HUNT AND SHED HUNTING; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 87-1-304, 87-2-101, 87-2-201, AND 87-2-202, MCA.

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

Section 1. Class F--nonresident wildlife management area shed hunting license. (1) A person who is not a resident as defined in 87-2-102, on payment of a $50 fee, is entitled to receive a Class F license that authorizes the holder of the license to shed hunt as defined in 87-1-201 in a wildlife management area.

(2) A person found in violation of this section:

(a) for a first offense, must be given a warning;

(b) for a second offense, is guilty of a misdemeanor and shall be fined not more than twice the cost of a Class F license. In addition, the person, on conviction or forfeiture of bond or bail, may be subject to forfeiture of any current shed hunting license and the privilege to shed hunt in a wildlife management area for a period of time set by the court.

(c) for a third offense, is guilty of a misdemeanor and shall be fined not more than $500. In addition, the person, on conviction or forfeiture of bond or bail, shall forfeit any current shed hunting license and the privilege to shed hunt in a wildlife management area for a period of time set by the court.

Section 2. Section 87-1-304, MCA, is amended to read:

"**87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of 87-5-302 and subsections (7) through (9) of this section, the commission may:

(a) fix seasons, bag limits, possession limits, and season limits;

(b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101;

(c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf in those areas;

(d) subject to the provisions of 87-1-301(6), restrict areas and species to hunting with only specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences; and

(e) declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property. In determining to whom special licenses must be issued, the commission may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system must be determined by the commission.

(2) The commission may adopt rules governing the use of livestock and vehicles by archers during special archery seasons.

(3) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may divide the state into fish and game districts and create fish,

game, or fur-bearing animal districts throughout the state. The commission may declare a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

(4) The commission may declare a closed season on any species of game, fish, game birds, or fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds, and nongame birds. The commission may open the area or district upon consent of a majority of the property owners affected.

(5) The commission may authorize the director to open or close any special season upon 12 hours' notice to the public.

(6) The commission may declare certain fishing waters closed to fishing except by persons under 15 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers advisable and consistent with its policies relating to fishing.

(7) In an area immediately adjacent to a national park, the commission may not:

(a) prohibit the hunting or trapping of wolves; or

(b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the commission for that area has been met.

(8) The commission may authorize a wolf trapping season that opens the first Monday after Thanksgiving and closes March 15 of the following calendar year, except that the commission may adjust the dates for specific wolf management units based on regional recommendations.

(9) There is established a special muzzleloader heritage hunting season that begins on the second Saturday after the end of the regular season and lasts 9 days. During this season, subject to the provisions of 87-6-401(1)(i) and rules adopted by the commission, a person may take a deer or elk with a valid license or permit using plain lead projectiles and a muzzleloading rifle that is charged with loose black powder, loose pyrodex, or an equivalent loose black powder substitute and ignited by a flintlock, wheel lock, matchlock, or percussion mechanism using a percussion or musket cap. The muzzleloading rifle must be a minimum of 45 caliber and may not have more than two barrels.

(10) For the purpose of shed hunting as defined in 87-2-101 in a wildlife management area, the commission shall allow a resident as defined in 87-2-102 access to the area 7 days in advance of a nonresident. A nonresident who violates this subsection (10) is subject to the penalties provided for in [section 1]."

Section 3. Section 87-2-101, MCA, is amended to read:

"**87-2-101. Definitions.** As used in Title 87, chapter 3, and this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Angling" or "fishing" means to take or harvest fish or the act of a person possessing any instrument, article, or substance for the purpose of taking or harvesting fish in any location that a fish might inhabit.

(2) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an area inhabited by wildlife for the purpose of attracting game animals or game birds.

(b) The term does not include:

(i) decoys, silhouettes, or other replicas of wildlife body forms;

(ii) scents used only to mask human odor; or

(iii) types of scents that are approved by the commission for attracting game animals or game birds.

(3) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine, northern swift fox, and beaver.

(4) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, bear, and wild buffalo.

(5) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and whitefish); all species of the genus Sander (sandpike or sauger and walleyed pike or yellowpike perch); all species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all species of the genus Lota (burbot or ling); the species Perca flavescens (yellow perch); all species of the genus Pomoxis (crappie); and the species Ictalurus punctatus (channel catfish).

(6) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take or harvest by any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing.

(7) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning doves.

(8) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other animal not otherwise legally classified by statute or regulation of this state.

(9) "Open season" means the time during which game birds, game fish, game animals, and fur-bearing animals may be lawfully taken.

(10) "Person" means an individual, association, partnership, or corporation.

(11) "Predatory animals" means coyote, weasel, skunk, and civet cat.

(12) "Shed hunt" or "shed hunting" means to collect the naturally shed antlers or horns of elk, deer, and antelope and the antlers or horns of a game animal, except for mountain sheep as provided in 87-3-315, with a skull or a portion of a skull attached that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed.

~~(12)~~*(13)* "Trap" means to take or harvest or participate in the taking or harvesting of any wildlife protected by the laws of the state by setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove wildlife from any of these devices.

~~(13)~~*(14)* "Upland game birds" means sharp-tailed grouse, blue grouse, spruce (Franklin) grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge.

~~(14)~~*(15)* "Wild buffalo or bison" or "wild buffalo" means a bison that:

(a) has not been reduced to captivity;

(b) has never been subject to the per capita fee under 15-24-921;

(c) has never been owned by a person; and

(d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921."

Section 4. Section 87-2-201, MCA, is amended to read:

"**87-2-201. Conservation license required and prerequisite for other licenses.** (1) Except as provided in 87-2-803(6) and 87-2-815, it is

unlawful for any person to engage in any of the following without first having purchased a conservation license as provided in this part:

(a) purchase or apply for a hunting, fishing, *nonresident wildlife management area shed hunting,* or trapping license;

(b) use lands owned or controlled by the department; or

(c) engage in general recreational use as defined in 77-1-101 on state trust land pursuant to an agreement established under 77-1-815.

(2) If the department of natural resources and conservation and the department enter into an agreement pursuant to 77-1-815, the department shall submit every other legislative session a report to the legislature in accordance with 5-11-210 that documents the number of conservation licenses sold and revenue received pursuant to this section. The first report shall be provided to the legislature by January 1, 2027."

Section 5. Section 87-2-202, MCA, is amended to read:

"**87-2-202. Application -- fee.** (1) Except as provided in 87-2-817(2), a conservation license must be sold upon written application. The application must contain the applicant's name, age, [last four digits of the applicant's social security number,] street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other identification specified by the department to substantiate the required information when applying for a conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a conservation license or to receive a free conservation license pursuant to 87-2-817(2).

(2) Hunting, fishing, *nonresident wildlife management area shed hunting,* or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident conservation licenses may be purchased for a fee of $8, of which 25 cents is a voluntary search and rescue donation.

(b) Nonresident conservation licenses may be purchased for a fee of $10, of which 25 cents is a voluntary search and rescue donation.

(c) A person who purchases a conservation license may make a written election not to pay the additional search and rescue donation in subsections (3)(a) and (3)(b). If a written election is made, the donation may not be collected.

[(4) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(5) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The $2 conservation license fee increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

Section 6. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply to [section 1].

Approved May 13, 2025

CHAPTER NO. 749

[HB 898]

AN ACT GENERALLY REVISING LAWS RELATING TO THE INTERPRETATION OF LIMITED LIABILITY COMPANY OPERATING AGREEMENTS; PROVIDING CLARIFICATION FOR AMBIGUITY IN THE CASE OF DISSOLUTION; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 35-8-109 AND 35-8-307, MCA; AND PROVIDING EFFECTIVE DATES, A RETROACTIVE APPLICABILITY DATE, AND AN APPLICABILITY DATE.

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

Section 1. Section 35-8-109, MCA, is amended to read:

"**35-8-109. Effect of operating agreement -- nonwaivable provisions.** (1) Except as provided in subsection ~~(2)~~ *(3)*, all members of a limited liability company may enter into an operating agreement, which need not be in writing, to regulate the affairs of the company and the conduct of its business and to govern relations among the members, managers, and company. To the extent that the operating agreement does not otherwise provide, this chapter governs relations among the members, managers, and company.

(2) The terms of an operating agreement must be interpreted according to Title 28, chapter 3.

~~(2)~~*(3)* An operating agreement need not be in writing except as otherwise provided in this chapter to:

(a) vary the recordkeeping requirements under 35-8-405;

(b) vary the rights of members to share in distributions under 35-8-601 or 35-8-903; or

(c) vary the process for admission of members under 35-8-707.

~~(3)~~*(4)* The operating agreement may not:

(a) unreasonably restrict a right to information or access to records under 35-8-405;

(b) eliminate the duty of loyalty under 35-8-310, but the agreement may:

(i) identify specific types or categories of activities that do not violate the duty of loyalty, if not manifestly unreasonable; and

(ii) specify the number or percentage of members or disinterested managers that may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate the duty of loyalty;

(c) unreasonably reduce the duty of care under 35-8-310;

(d) eliminate the obligation of good faith and fair dealing under 35-8-310, but the operating agreement may determine the standards by which the performance of the obligation is to be measured, if the standards are not manifestly unreasonable;

(e) vary the right to expel a member upon the occurrence of an event specified in 35-8-803;

(f) vary the requirement to wind up the limited liability company's business in a case specified in 35-8-901(1)(c) or 35-8-902; or

(g) restrict the rights of a person under this chapter, other than a manager, member, or transferee of a member's distributional interest."

Section 2. Section 35-8-307, MCA, is amended to read:

"**35-8-307. Management and voting.** (1) Unless the articles of organization or the operating agreement provide otherwise, in a member-managed company:

(a) each member has equal rights in the management and conduct of the company's business; and

(b) except as provided in subsection (3), any matter relating to the business of the company may be decided by a majority of the members.

(2) Unless the articles of organization or the operating agreement provide otherwise, in a manager-managed company:

(a) each manager has equal rights in the management and conduct of the company's business;

(b) except as provided in subsection (3), any matter relating to the business of the company may be exclusively decided by the manager or, if there is more than one manager, by a majority of the managers; and

(c) a manager:

(i) must be designated, appointed, elected, removed, or replaced by a vote, approval, or consent of a majority of the members; and

(ii) holds office until a successor has been elected and qualified, unless the manager sooner resigns or is removed.

(3) Unless the articles of organization or the operating agreement provide otherwise, the only matters of a member-managed or manager-managed company's business requiring the consent of all of the members are:

(a) the amendment of the operating agreement under 35-8-109;

(b) the authorization or ratification of acts or transactions under ~~35-8-109(3)(b)(ii)~~ *35-8-109* that would otherwise violate the duty of loyalty;

(c) an amendment to the articles of organization under 35-8-203;

(d) the compromise of an obligation to make a contribution under 35-8-502;

(e) the compromise, as among members, of an obligation to make a contribution or return money or other property paid or distributed in violation of this chapter;

(f) the making of interim distributions under 35-8-601, including the redemption or repurchase of an interest;

(g) the admission of a new member;

(h) the use of the company's property to redeem an interest subject to a charging order;

(i) the consent to dissolve the company under 35-8-901;

(j) a waiver of the right to have the company's business wound up and the company terminated under 35-8-901;

(k) the consent of members to merge with another entity under 35-8-1201; and

(l) the sale, lease, exchange, or other disposal of all, or substantially all, of the company's property with or without goodwill.

(4) Unless the articles of organization or the operating agreement provide otherwise, the management of a series of members is vested in the members associated with the series in proportion to their contribution to the capital of the series as adjusted from time to time to reflect properly any additional contributions or withdrawals from the assets or income of the series by the members associated with the series.

(5) Action requiring the consent of members or managers under this chapter may be taken without a meeting.

(6) A member or manager may appoint a proxy to vote or otherwise act for the member or manager by signing an appointment instrument, either personally or by the member's or manager's attorney-in-fact.

(7) (a) The articles of organization or operating agreement of a limited liability company may:

(i) create one or more series of members; or

(ii) vest authority in one or more members or managers of the company or in other persons to create one or more series of members that may include, without limitation, rights, powers, and duties senior to any existing series of members.

(b) The articles of organization or operating agreement may provide that any member associated with a series of members has no voting rights or has voting rights that differ from other members or other series of members.

(c) A series of members may have separate powers, rights, or duties with respect to specified property or obligations of the company or profits and losses associated with specified property or obligations, and any series of members may have a separate business purpose or investment objective."

Section 3. Ambiguity in operating agreement regarding dissolution. If there is an ambiguity in an operating agreement between a construction in favor of maintaining the existence of a limited liability company or in favor of the dissolution of a limited liability company, the operating agreement must be construed in favor of maintaining the existence of the limited liability company.

Section 4. Appropriation. There is appropriated $100 from the general fund to the office of secretary of state for the fiscal year beginning July 1, 2025, for the purpose of updating the agency's website to reflect the changes pursuant to [section 1].

Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 4] is effective July 1, 2025.

Section 6. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to operating agreements in existence before [the effective date of this act].

Section 7. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 35, chapter 8, part 9, and the provisions of Title 35, chapter 8, part 9, apply to [section 3].

Section 8. Applicability. [This act] applies to operating agreements adopted on or after [the effective date of this act].

Approved May 13, 2025

CHAPTER NO. 750

[HB 899]

AN ACT CREATING THE MONTANA STATE SHOOTING FACILITIES AND IMPROVEMENTS DEVELOPMENT AND OVERSIGHT TASK FORCE; CREATING THE MONTANA STATE SHOOTING FACILITIES AND IMPROVEMENTS ACCOUNT; PROVIDING AN APPROPRIATION; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. State shooting facilities and improvements development and oversight task force -- membership -- duties -- reporting. (1) There is a state shooting facilities and improvements development and oversight task force, which is composed of the following members:

(a) the governor or the governor's designee;

(b) a member of the board of state parks and recreation or the board member's designee;

(c) the director of the department of commerce or the director's designee;

(d) two members representing firearm, archery, or firearm accessory manufacturing companies in the state, appointed by the governor;

(e) one member of the public representing a shooting sports organization that has representation in the state, appointed by the governor;

(f) one member of the public representing a hunting or wildlife conservation organization that is headquartered in the state or that has an active chapter in the state, appointed by the governor;

(g) two members of the house of representatives, appointed by the speaker of the house. The speaker of the house shall designate a co-chairperson of the task force.

(h) two members of the senate, appointed by the president of the senate. The president of the senate shall designate a co-chairperson of the task force.

(2) The task force shall:

(a) develop a framework for the selection of a location for Montana state shooting facilities and improvements;

(b) review all shooting facilities in the region and develop preliminary specifications, plans, and features for ~~the~~ Montana state shooting facilities and improvements;

(c) develop a request for proposals so that local governments, private sector entities, or a combination of both may submit proposals to be considered for the location of Montana state shooting facilities and improvements; and

(d) make recommendations for the development, location, and administrative structure of ~~the~~ Montana state shooting facilities and improvements to the governor, the joint appropriations subcommittee on natural resources and transportation, and the joint fish, wildlife, and parks committee.

(3) A vacancy in the task force must be filled in the same manner as members are appointed under subsection (1).

(4) By June 30, 2027, the task force shall report to the governor and the economic affairs interim committee.

(5) The task force is allocated to the department of fish, wildlife, and parks for administrative purposes only as provided in 2-15-121.

(6) (a) Except as provided in subsection (6)(b) and unless otherwise provided by law, each member is entitled to be paid $100 for each day in which the member is engaged in the performance of duties under this section and is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while performing task force duties.

(b) Members who are full-time, salaried officers or employees of this state or of a political subdivision of this state are not entitled to be compensated for their service as members except when they perform their task force duties outside of their regular working hours or during hours charged against their leave time, but those members are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

Section 2. Montana state shooting facilities and improvements account. (1) There is a Montana state shooting facilities and improvements account in the state special revenue fund established in 17-2-102. The account is administered by the department of fish, wildlife, and parks.

(2) Money transferred from a lawful source, including but not limited to gifts, grants, donations, securities, and other assets, public or private, may be deposited in the account.

(3) Money in the account may be used to develop a framework for the selection and location of state-supported shooting facilities, improvements in existing facilities, and funding mechanisms.

(4) Interest and income earned on the account and any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

Section 3. Appropriation. (1) There is appropriated $55,000 from the general fund to the department of fish, wildlife, and parks for the biennium beginning July 1, 2025, for the purposes described in [section 1].

(2) Money from the appropriation that is not spent during the biennium must revert to the general fund.

Section 4. Effective date. [This act] is effective July 1, 2025.

Section 5. Termination. [Section 1] terminates June 30, 2027.

Approved May 13, 2025

CHAPTER NO. 751

[HB 908]

AN ACT REVISING JOB GROWTH INCENTIVE TAX CREDITS TO INCLUDE CERTAIN APPRENTICES IN THE CONSTRUCTION INDUSTRY; REVISING LAWS RELATING TO WHEN THE TAX CREDIT MAY BE CLAIMED; REVISING THE DEFINITION OF "QUALIFYING NEW EMPLOYEE" TO INCLUDE AN APPRENTICE; REMOVING THE SUNSET DATE ON THE TAX CREDIT; AMENDING SECTIONS 15-30-2357, 15-30-2361, 15-31-175, AND 39-11-404, MCA; AND REPEALING SECTION 24, CHAPTER 550, LAWS OF 2021, AND SECTION 4, CHAPTER 391, LAWS OF 2023.

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

Section 1. Section 15-30-2357, MCA, is amended to read:

"**15-30-2357. Tax credit for hiring registered apprentice or veteran apprentice.** (1) Subject to the provisions of ~~[15-30-2361(8) and]~~ 39-6-109, a taxpayer is allowed a credit against the tax imposed by chapter 31 or this chapter for employing a registered apprentice or registered veteran apprentice who works in Montana.

(2) The credit may not exceed the taxpayer's tax liability and may not be carried forward or carried back.

(3) The credit may be claimed only in the tax year in which the department of labor and industry approved the credit as provided in 39-6-109(4). If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return must be processed without regard to the credit.

(4) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(5) Subject to the probationary period provided for in 39-6-109, if an employer employs an apprentice for less than the full preceding calendar year, the employer may apply for the full credit for the year in which the apprentice was employed.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry an annual report detailing the tax credit provided to employers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) The department may adopt rules, prepare forms, and maintain records that are necessary to implement this credit. (Bracketed language terminates December 31, 2028--sec. 4, Ch. 391, L. 2023.)"

Section 2. Section 15-30-2361, MCA, is amended to read:

"**15-30-2361. (Temporary) Grow Montana jobs -- annual job growth incentive tax credit.** (1) Subject to the provisions of 39-11-404, a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees in the credit certificate under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in 39-11-404. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

~~(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.~~

~~(9)~~*(8)* Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

~~(10)~~*(9)* For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in 39-11-404. (Terminates December 31, 2028--sec. 4, Ch. 391, L. 2023.)"

Section 3. Section 15-31-175, MCA, is amended to read:

"**15-31-175. (Temporary) Grow Montana jobs -- annual job growth incentive tax credit.** (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to 15-30-2361 when a taxpayer hires qualifying new employees *as defined in 39-11-404* in the state. The credit is administered as provided in 15-30-2361, 39-11-404, and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes. (Terminates December 31, 2028--sec. 4, Ch. 391, L. 2023.)"

Section 4. Section 39-11-404, MCA, is amended to read:

"**39-11-404. (Temporary) Employer job growth incentive tax credit -- administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in 15-30-2361 and 15-31-175.

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

(a) identifies and describes the number of qualifying new employees hired;

(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

(a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or

(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest $10. The resulting

minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.

(9) The department may adopt rules necessary to administer this section.

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

(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.

(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.

(c) "Department" means the department of labor and industry provided for in 2-15-1701.

(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.

(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.

(f) "Net employee growth" means the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028.

(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.

(h) "Qualifying employer" means an employer with qualifying net employee growth.

(i) (i) "Qualifying net employee growth" means:

(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;

(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.

(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.

(j) (i) "Qualifying new employee" means*:*

(A) an employee of a qualifying employer:

~~(A)~~*(I)* who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

~~(B)~~*(II)* who is employed for at least 6 months during the year for which the credit is granted;

~~(C)~~*(III)* with a yearly wage of at least $50,000, plus any benefits paid to other employees of the employer; and

~~(D)~~*(IV)* who increases the number of total employees that are employed by the employer from the number of employees employed by the employer in calendar year 2021*; or*

(B) an apprentice as defined in 39-6-101 who is in the construction industry.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor in the preceding 12 months; or

(B) hired to replace an employee of a predecessor. (Terminates December 31, 2028--sec. 4, Ch. 391, L. 2023.)"

Section 5. Repealer. Section 24, Chapter 550, Laws of 2021, and section 4, Chapter 391, Laws of 2023, are repealed.

Approved May 13, 2025

CHAPTER NO. 752

[HB 913]

AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; INCREASING THE NUMBER OF DISTRICT COURT JUDGES; PROVIDING FOR A REPORT ON COMMUNICATIONS AT THE MONTANA STATE PRISON; PROVIDING FOR AN INTERIM STUDY ON WAGES AND CONSOLIDATION OF LEGAL SERVICES; ESTABLISHING A DAILY RATE FOR DETENTION CENTERS; AMENDING SECTIONS 3-5-102 AND 7-32-2242, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Section 3-5-102, MCA, is amended to read:

"**3-5-102. Number of judges.** In each judicial district, there must be the following number of judges of the district court:

(1) in the 2nd, 7th, 16th, 20th, and 21st districts, two judges each;

(2) in the 1st, 8th, and 18th districts, four judges each;

(3) in the 4th and 11th districts, five judges each;

(4) in the 13th district, ~~eight~~ *10* judges; and

(5) in all other districts, one judge each."

Section 2. Reporting on inappropriate or illicit communications within corrections. (1) For the interim following the 69th legislative session, the department of corrections shall report at each meeting of the law and justice interim committee and the judicial branch, law enforcement, and justice interim budget committee on the details and effectiveness of its methods to reduce inappropriate or illicit communications to or from inmates at the Montana state prison.

(2) Inappropriate or illicit communications include those that discuss or solicit victim information, drug trafficking arrangements, or other illegal and restricted activities.

(3) As a part of its reporting, the department of corrections shall provide quarterly reports on the following:

(a) the number of e-mails, messages, and other electronic communications to and from inmates at the Montana state prison;

(b) the number of e-mails blocked by automatic scanning systems;

(c) the result of the department of correction's audit of both the blocked and unblocked communications to determine the rate of false negatives and false positives;

(d) a description of the process and cost of electronic monitoring of tablets and devices; and

(e) any incidents at the Montana State Prison that involve e-mail communications that were inappropriately filtered by automatic scanning systems.

Section 3. Study on consolidation of legal services. (1) For the interim following the 69th legislative session, the general government interim budget committee shall study issues related to the consolidation of legal services across state agencies and discrepancies in the compensation for legal occupations across state agencies.

(2) By September 15, 2025, the department of administration shall report to the general government interim budget committee on the following:

(a) the distribution of hourly wage rates of lawyers and other legal occupations in state agencies;

(b) a comparison of state pay rates and benefits to rates and benefits paid to lawyers and other legal occupations in the private sector;

(c) considerations or explanations for differences in the pay rates across state agencies;

(d) an explanation on how pay rates for lawyers and other legal occupations are set across state agencies; and

(e) the extent to which pay exceptions are made and for what purposes.

(3) The general government interim budget committee shall complete the study by September 15, 2026, and report its findings and recommendations, including potential legislation, to the 70th legislature and to the judicial branch, law enforcement, and justice interim budget committee.

(4) The general government interim budget committee shall invite the members of the state administration and veterans' affairs interim committee, the general government budget committee, and the judicial branch, law enforcement, and justice interim budget committee to each of its meetings to participate in the study.

Section 4. Section 7-32-2242, MCA, is amended to read:

"**7-32-2242. Use of detention center -- payment of costs.** (1) Local government, state, and federal law enforcement and correctional agencies may use any detention center for the confinement of arrested persons and the punishment of offenders, under conditions imposed by law and with the consent of the governing body responsible for the detention center.

(2) (a) Except as provided in 7-32-2245, if a person is confined in a detention center by an arresting agency not responsible for the operation of the detention center, the actual costs of holding the person in confinement must be paid by the arresting agency unless otherwise agreed to by the arresting agency and the operator of the detention center.

(b) If a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, the costs must be paid by the county, except as provided in 7-32-2245. If the department of corrections is the arresting agency and the inmate is a probation violator, the costs must be paid by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245.

(c) The department of corrections is responsible to pay actual costs for defendants following the pronouncement of sentence pursuant to 46-19-101.

(d) Payments must be made to the government unit responsible for the detention center or to the administrator operating a private detention center under an agreement provided for in 7-32-2201 on presentation of a claim to the arresting agency.

(e) For *the* purposes of this section, "actual costs" ~~of~~ *in reference to* a detention center ~~is defined as the greater of:~~

~~(i) the daily per inmate provider rate for crossroads correctional facility less 10%; or~~

~~(ii) $82~~ *means $85.30 a day*.

(3) If a person is a fugitive from justice from an out-of-state jurisdiction, the costs, including medical expenses, of holding the person in a detention center pending extradition must be paid by the out-of-state jurisdiction."

Section 5. Transfer of funds. By July 15, 2025, the state treasurer shall transfer $40,000 from the general fund to the missing indigenous persons task force account established in [section 1 of House Bill No. 83].

Section 6. Coordination instruction. If House Bill No. 2 is passed and approved and if it does not contain the following appropriations for the study and report in [section 3 of this act], then [section 3 of this act] is void:

(1) at least $25,000 to the department of administration to provide reports provided for in [section 3 of this act]; and

(2) at least $20,000 to the legislative fiscal division to staff the study provided for in [section 3 of this act].

Section 7. Coordination instruction. If both House Bill No. 643 and [this act] are passed and approved and if both contain a section that amends 7-32-2242, then the section amending 7-32-2242 in House Bill No. 643 is void.

Section 8. Effective date. [This act] is effective July 1, 2025.

Section 9. Termination. [Sections 2 and 3] terminate September 30, 2026.

Approved May 13, 2025

CHAPTER NO. 753

[HB 917]

AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; REVISING THE DEFINITION OF POLITICAL COMMITTEE; CLARIFYING WHO MAY SIGN AN INCIDENTAL COMMITTEE REPORT; PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 13-1-101 AND 13-37-232, MCA.

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

Section 1. Section 13-1-101, MCA, is amended to read:

"**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(7) "Ballot issue committee" means a political committee specifically organized to support or oppose a ballot issue.

(8) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

(9) (a) "Contribution" means:

(i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

(ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

(iii) the receipt by a political committee of funds transferred from another political committee; or

(iv) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) The term does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(ii) meals and lodging provided by individuals in their private residences for a candidate or other individual;

(iii) the use of a person's real property for a fundraising reception or other political event; or

(iv) the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.

(c) This definition does not apply to Title 13, chapter 37, part 6.

(10) "Coordinated", including any variations of the term, means made in cooperation with, in consultation with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a candidate or political committee.

(11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or

disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37.

(12) "Disability" means a temporary or permanent mental or physical impairment such as:

(a) impaired vision;

(b) impaired hearing;

(c) impaired mobility. Individuals having impaired mobility include those who require use of a wheelchair and those who are ambulatory but are physically impaired because of age, disability, or disease.

(d) impaired mental or physical functioning that makes it difficult for the person to participate in the process of voting.

(13) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(14) (a) "Election administrator" means, except as provided in subsection (14)(b), the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties even if the school election is administered by the school district clerk.

(15) (a) "Election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

(i) a paid advertisement broadcast over radio, television, cable, or satellite;

(ii) paid placement of content on the internet or other electronic communication network;

(iii) a paid advertisement published in a newspaper or periodical or on a billboard;

(iv) a mailing; or

(v) printed materials.

(b) The term does not mean:

(i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

(ii) a communication that does not support or oppose a candidate or ballot issue;

(iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

(iv) a communication by any membership organization or corporation to its members, stockholders, or employees;

(v) a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or

(vi) a communication that the commissioner determines by rule is not an election communication.

(16) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to perform duties as specified by law.

(17) "Election official" means an election administrator, election deputy, or election judge.

(18) "Election worker" means an individual designated by an election official to perform election support duties.

(19) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

(i) refers to one or more clearly identified candidates in that election;

(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or

(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

(b) The term does not mean:

(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;

(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;

(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

(v) a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or

(vi) a communication that the commissioner determines by rule is not an electioneering communication.

(20) "Elector" means an individual qualified to vote under state law.

(21) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue;

(ii) made by a candidate while the candidate is engaging in campaign activity to pay child-care expenses as provided in 13-37-220; or

(iii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

(ii) except as provided in subsection (21)(a)(ii), payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees;

(v) the use of a person's real property for a fundraising reception or other political event; or

(vi) the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance

with Title 13 would burden the organization's sincerely held religious beliefs or practices.

(c) This definition does not apply to Title 13, chapter 37, part 6.

(22) "Federal election" means an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(23) "General election" means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

(24) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

(25) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

(26) (a) "Incidental committee" means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure.

(b) For the purpose of this subsection (26), the primary purpose is determined by the commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose or goal of the person or individuals that form the committee.

(27) "Independent committee" means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).

(28) "Independent expenditure" means an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee.

(29) "Individual" means a human being.

(30) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(31) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(32) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, including a political committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (8).

(33) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

(34) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:

(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;

(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.

(b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.

(c) A candidate and the candidate's treasurer do not constitute a political committee.

(d) A political committee is not formed when*:*

(i) a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent expenditure of $250 or less*; or*

(ii) two or more candidates make an election communication or an electioneering communication together in support of their own campaigns.

(e) A joint fundraising committee is not a political committee.

(35) "Political party committee" means a political committee formed by a political party organization and includes all county and city central committees.

(36) "Political party organization" means a political organization that:

(a) was represented on the official ballot in either of the two most recent statewide general elections; or

(b) has met the petition requirements provided in Title 13, chapter 10, part 5.

(37) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election.

(38) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(39) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.

(40) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(41) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(42) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(43) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503 and 13-17-510.

(44) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(45) "Regular school election" means the school trustee election provided for in 20-20-105(1).

(46) "Religious organization" means a house of worship with the major purpose of supporting religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic documents of the organization must list a formal code of doctrine and discipline, and the organization must spend the majority of its money on religious activities such as regular religious services, educational preparation for its ministers, development and support of its ministers, membership development, outreach and support, and the production and distribution of religious literature developed by the organization.

(47) "School election" has the meaning provided in 20-1-101.

(48) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

(49) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.

(50) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(51) "Special election" means an election held on a day other than the day specified for a primary election, general election, or regular school election.

(52) "Special purpose district" means an area with special boundaries created as authorized by law for a specialized and limited purpose.

(53) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(54) "Support or oppose", including any variations of the term, means:

(a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or

(b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election.

(55) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(56) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

(b) received at the election administrator's office; or

(c) returned to a place of deposit.

(57) "Voter interface device" means a voting system that:

(a) is accessible to electors with disabilities;

(b) communicates voting instructions and ballot information to a voter;

(c) allows the voter to select and vote for candidates and issues and to verify and change selections; and

(d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.

(58) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

Section 2. Section 13-37-232, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) An individual who is not a Montana resident may sign the incidental committee report if the incidental committee is located outside of the state."

Section 3. Appropriation. There is appropriated $1,000 from the general fund to the commissioner of political practices for the fiscal year ending June 30, 2026, for the purposes of updating and administering campaign finance reporting requirements.

Approved May 13, 2025

CHAPTER NO. 754

[HB 918]

AN ACT IMPLEMENTING THE PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REPORT ON THE DEVELOPMENT AND IMPLEMENTATION OF A PLAN TO COMPLY WITH THE PRINCIPLES OF THE OLMSTEAD DECISION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Olmstead plan -- quarterly reporting. During the interim following the 69th legislative session, the department of public health and human services shall provide a report to the health and human services budget committee at each committee meeting on the department's efforts to develop a plan to implement the United States supreme court's decision in Olmstead v. L.C., 527 U.S. 581 (1999), pursuant to section 1, Chapter 554, Laws of 2023.

Section 2. Effective date. [This act] is effective July 1, 2025.

Section 3. Termination. [This act] terminates September 15, 2026.

Approved May 13, 2025

CHAPTER NO. 755

[HB 920]

AN ACT REVISING PROPERTY TAXES FOR SENIOR CARE AND HOUSING; PROVIDING A TEMPORARY TAX EXEMPTION FOR SENIOR CARE AND HOUSING DEVELOPMENT PROJECTS; REQUIRING APPROVAL BY THE GOVERNING BODY OF A LOCAL GOVERNMENT; PROVIDING FOR AN EXTENSION OF THE TAX EXEMPTION FOR CERTAIN PROPERTY; PROVIDING FOR TERMINATION OF THE TAX EXEMPTION FOR CERTAIN EVENTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTION 15-10-305, MCA; AND PROVIDING AN APPLICABILITY DATE.

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

Section 1. Short title. [Sections 1 through 8] may be cited as the "Senior Care Facilities and Housing Development Exemption Act".

Section 2. Legislative purpose. The legislature finds and declares that there is a shortage in this state of decent, safe, and sanitary, senior care and housing facilities that is affordable for all seniors. To alleviate the high cost of facilities and housing for all seniors, the legislature believes it is essential that property tax incentives be made available to tax-exempt organizations that assist senior Montanans in meeting critical housing needs.

Section 3. Definitions. As used in [sections 1 through 8], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Board" means the board of directors for a tax-exempt senior care and housing sponsor.

(2) "Department" means the department of revenue provided for in 2-15-1301.

(2) (a) "Local government" means the county, consolidated government, or incorporated city or town where the senior development project is located or proposed to be located.

(b) The term does not include the county if the senior development project is located or proposed to be located in an incorporated city or town.

(3) "Property owner-operator" means a corporation that is incorporated or admitted under a certificate of authority under the laws of the state and that leases or purchases property for senior care facilities and housing or related facilities, which may include a purchase from a tax-exempt senior care and housing sponsor.

(4) "Senior care facilities" means some or all levels of a continuum of care. The term includes but is not limited to independent living and housing, semi-independent living and housing, assisted living, in-home nursing or assistant care, memory care, short-term or long-term medical care, or hospice.

(5) "Senior care facilities and housing" means senior care facilities and senior housing:

(a) specifically designed and operated to assist and benefit elderly persons;

(b) intended for, and solely occupied by, persons 62 years of age or older; or

(c) intended and operated for occupancy by at least one person 55 years of age or older in each unit in accordance with the provisions of 42 U.S.C. 3607(b)(2)(C) and (b)(3) through (b)(5), as those provisions read on March 31, 1996.

(6) (a) "Senior care and housing development project" means single-family homes and multifamily projects for the primary purpose of acquiring land for, constructing, or rehabilitating accommodations for senior care facilities and housing that may be retained and rented or sold to a property owner-operator for senior care facilities and housing.

(b) The development process includes:

(i) the acquisition of property, not to exceed 250 acres;

(ii) the planning of the buildings, infrastructure, utilities, and improvements;

(iii) permitting;

(iv) the demolition of existing structures; and

(v) the construction, reconstruction, alteration, and repair of the improvements.

(7) "Tax-exempt senior care and housing sponsor" means a charitable nonprofit corporation that is exempt from taxation under 26 U.S.C. 501(c)(3), as amended, and incorporated or admitted under a certificate of authority under the Montana Nonprofit Corporation Act as provided in Title 35, chapter 2, and whose articles of incorporation provide in addition that:

(a) the charitable organization has been organized exclusively to obtain land and assist senior care and housing development projects;

(b) all of the income and earnings of the organization must be used exclusively for senior care and housing development project purposes, and part of the net income or net earnings of the organization may not inure to the benefit or profit of any private individual, firm, corporation, partnership, or association; and

(c) the charitable organization is in no manner controlled by, under the direction of, or acting in the substantial interest of any private individual, firm, partnership, or association seeking to derive profit or gain from the organization or seeking to eliminate or minimize losses in any transactions with the organization.

Section 4. Petition -- approval or denial by local government -- compelling need for senior care and housing development project. (1) A tax-exempt senior care and housing sponsor may file a petition with a local government requesting preapproval of a property tax exemption for a senior care and housing development project. The petition must include sufficient information regarding property development, including the buildings, land, equipment, facilities, or other real or personal properties that are necessary, convenient, related, or desirable in connection with the development of senior care facilities and housing, including but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and other nonhousing facilities that the tax-exempt senior care and housing sponsor determines to be necessary, convenient, related, or desirable.

(2) Upon the filing of the petition, the local government shall give notice of the time, place, and purpose of a public hearing at which the governing body of the local government shall determine whether there is a need for the senior care and housing development project.

(3) If the governing body determines there is a compelling need for the senior care and housing development project, it shall adopt a resolution approving the petition. If the governing body approves the petition, the tax-exempt senior care and housing sponsor may apply for a property tax exemption pursuant to [section 6] within 2 years after the approval.

(4) If the governing body, after a hearing, determines that there is not a compelling need for a senior care and housing development project, it shall adopt a resolution denying the petition. After 3 months have expired following the date of the denial of a petition, subsequent petitions may be filed, and new hearings and determinations may be made on the petitions.

Section 5. Projects subject to existing development laws -- preference for senior care facilities and housing authorized. (1) A senior care and housing development project is subject to the planning, zoning, sanitary, and building laws, ordinances, and regulations applicable to the locality in which the housing project is situated.

(2) A property owner-operator or tax-exempt senior care and housing sponsor shall extend preference in occupancy for senior care facilities and housing.

Section 6. Temporary exemption for senior care and housing development project -- rulemaking. (1) If the governing body approves a petition for a senior care and housing development project pursuant to [section 4], the board of the tax-exempt senior care and housing sponsor may submit a property tax exemption application to the department. The application must include the petition that was submitted to the governing body and the resolution approving the petition. After the department has approved the exemption application, the property of the senior care and housing development project is

temporarily exempt from all property taxation at the start of the property tax year beginning January 1 after the approval.

(2) At the time the exemption is granted, the department shall provide a notice to the clerk and recorder in the county where the property is located, and the clerk shall file the notice. The notice must indicate that an exemption pursuant to this section has been granted on a form prescribed by the department.

(3) Subject to subsection (5), the temporary exemption applies to all real property owned by a property owner-operator or a tax-exempt senior care and housing sponsor within the senior care and housing development project, including new construction, for a period equal to the lesser of 5 years or until the development is final and operational. A tax-exempt property owner-operator or tax-exempt senior care and housing sponsor may rent homes and multifamily projects for senior care facilities and housing without loss of the temporary exemption.

(4) During the year in which the exemption provided for in subsection (3) expires, a tax-exempt property owner-operator or the board of a tax-exempt senior care and housing sponsor may submit a renewal application to the department for an additional 5-year exemption. The exemption applies to all property owned by the tax-exempt property owner-operator or tax-exempt senior care and housing sponsor that is used for senior care facilities and senior housing facilities.

(5) The exemptions in subsections (3) and (4) expire at the start of the property tax year beginning on January 1 for a lot or structure that is leased or sold by the tax-exempt senior care and housing sponsor to anyone other than a tax-exempt property owner-operator.

(6) Subject to subsection (7), the donor of property to a tax-exempt senior care and housing sponsor may retain a portion of land within the senior care and housing development project and receive a property tax exemption until the earliest of:

(a) the expiration of the exemption;

(b) the date the project becomes operational by filling beds, an apartment, or other living facility; or

(c) when a commercial business is open to the public.

(7) The senior care and housing development project may not be composed of more than 20% of land that is used for complementary ancillary commercial businesses other than senior care facilities and senior housing, including but not limited to doctor's offices, rehabilitation facilities, grocery or convenience stores, neighborhood restaurants, pharmacies, and workforce housing related to employment at senior care facilities.

Section 7. Reports to local government by tax-exempt senior care and housing sponsor. The board of a tax-exempt senior care and housing sponsor shall, at least once a year, file with the governing body of the local government a report of its activities for the preceding year until the property tax exemption in [section 6] expires.

Section 8. Rulemaking. The department may adopt rules to implement the provisions of [sections 1 through 8].

Section 9. Section 15-10-305, MCA, is amended to read:

"**15-10-305. Clerk and recorder to report mill levy -- department to compute and enter taxes.** (1) (a) The county clerk and recorder shall by the second Monday in September or within 30 calendar days after receiving certified taxable values notify the department of the number of mills needed to be levied for each taxing jurisdiction in the county. Except as provided in subsection (1)(b), the department shall compute the taxes by multiplying the

number of mills times the taxable value of the property to be taxed and shall add any fees or assessments required to be levied against a person owning property. All taxes, fees, and assessments must be itemized for the property listed in the property tax record.

(b) ~~In~~ *Except as provided in [section 6] regarding a property tax exemption for a senior care and housing development project, in* conveyances that result in a land split, the taxes must be based on the property as assessed on January 1 preceding the conveyance. The department is not required to include the name of the new owner in the computation of the amount of taxes, fees, and assessments to be levied against property that is part of a land conveyance if including the new owner's name would cause the department to violate the deadline provided in subsection (2).

(2) The department shall complete the computation of the amount of taxes, fees, and assessments to be levied against the property and shall notify the county clerk and recorder and the county treasurer by the second Monday in October. Notwithstanding the provisions of 15-10-321, if a county clerk and recorder fails to timely notify the department of the number of mills needed to be levied for each taxing jurisdiction in that county in accordance with subsection (1)(a), the department must have additional time to meet the notification requirement of this subsection (2) equal to the number of days that the notification required in subsection (1)(a) was received late by the department."

Section 10. Codification instruction. [Sections 1 through 8] are intended to be codified as a new part in Title 15, chapter 6, and the provisions of Title 15, chapter 6, apply to [sections 1 through 8].

Section 11. Applicability. [This act] applies to property tax years beginning after December 31, 2025.

Approved May 13, 2025

CHAPTER NO. 756

[HB 923]

AN ACT REVISING CATEGORICAL EXCLUSIONS FROM A NONDEGRADATION AUTHORIZATION; DIRECTING THE AMENDMENT OF ARM 17.30.716; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE.

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

Section 1. Department to amend rule. The department of environmental quality shall amend ARM 17.30.716 to insert a new subsection (8) that reads:

"(8) A wastewater discharge that otherwise meets the criteria of this rule may be reviewed for nonsignificance without a background nitrogen sample required in (4)(c)(iii) in settings where ground water cannot be sampled due to absence or great depth of ground water."

Section 2. Appropriation. There is appropriated $500 from the general fund to the department of environmental quality for the biennium beginning July 1, 2025, to amend the department's rules pursuant to [section 1].

Section 3. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 2] is effective July 1, 2025.

Section 4. Applicability. [This act] applies to applications for nondegradation authorizations received on or after May 1, 2025.

Approved May 13, 2025

CHAPTER NO. 757

[HB 931]

AN ACT CLARIFYING THAT A COMMERCIAL PURPOSE FOR THE COMMERCIAL LEASING OF STATE TRUST LAND MAY INCLUDE DEVELOPMENT OF SINGLE-FAMILY OR MULTIFAMILY RESIDENTIAL DEVELOPMENT UNDER A MASTER LEASE FOR THE PURPOSES OF ATTAINABLE WORKFORCE HOUSING; REVISING DEFINITIONS; AND AMENDING SECTION 77-1-902, MCA.

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

Section 1. Section 77-1-902, MCA, is amended to read:

"**77-1-902. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) *"Attainable workforce housing" has the same meaning as provided in 90-6-143.*

(2) "Cancellation" means the cessation of a lessee's possessory rights and privileges under a lease due to the lessee's breach of some term of the lease, applicable statutes, or applicable administrative rules.

~~(2)~~*(3)* "Commercial lease" means a contract to use state trust land for a commercial purpose.

~~(3)~~*(4)* (a) "Commercial purpose" means an industrial enterprise, retail sales outlet, business and professional office building, warehouse, motel, hotel, hospitality enterprise, commercial or concentrated recreational use, *single-family or* multifamily residential development *authorized under a lease with a master lessee, including a lease executed with a nonprofit corporation for the purposes of developing attainable workforce housing*, and other similar business.

(b) The term does not include the following uses:

(i) agriculture;

(ii) grazing;

(iii) exploration or development of oil and gas, minerals, and resources from geothermal, wind, or solar;

(iv) single-family residences, home sites, and cabin sites *licensed or leased pursuant to 77-1-208;* and

(v) utility rights-of-way.

~~(4)~~*(5)* "Land value" is the monetary value of the land determined by an appraisal by a certified general appraiser or a department staff appraiser or by a limited valuation.

~~(5)~~*(6)* "Limited valuation" means estimating the land value of commercial lease land by analyzing comparable land valuations conducted within 2 years of the lease commencement date as provided by real estate appraisers, local tax assessors, local realtors, an evaluation of local market rents, or a combination of those methods.

~~(6)~~*(7)* "Termination" means the automatic completion or ending of the term of a contract according to its provisions. Upon termination, the lessee ceases to have any possessory rights or privileges under a lease."

Approved May 13, 2025

CHAPTER NO. 758

[HB 932]

AN ACT REVISING LAWS RELATED TO FUNDING FOR CONSERVATION; REVISING THE ALLOCATION OF THE MARIJUANA STATE SPECIAL REVENUE ACCOUNT; ESTABLISHING A HABITAT LEGACY ACCOUNT; ESTABLISHING STATE SPECIAL REVENUE ACCOUNTS FOR WILDLIFE HABITAT CONSERVATION, WILDLIFE IMPROVEMENT PROJECTS, AND WILDLIFE CROSSINGS; REVISING MEMBERSHIP FOR THE WILDLIFE HABITAT IMPROVEMENT ADVISORY COUNCIL; REVISING THE KELLY FLYNN MONTANA WILDLIFE HABITAT IMPROVEMENT ACT; REVISING RANKING CRITERIA FOR WILDLIFE HABITAT IMPROVEMENT PROJECTS; REVISING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 16-12-111, 87-5-801, 87-5-802, 87-5-803, 87-5-804, 87-5-806, AND 87-5-808, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Habitat legacy account. (1) There is a habitat legacy account in the state special revenue fund established in 17-2-102. The account is administered by the department of fish, wildlife, and parks. All funds received pursuant to 16-12-111(4)(b) must be deposited in the account.

(2) Except as provided in subsection (3), at the end of each fiscal year the state treasurer shall make the following transfers from this account:

(a) 75% to the land and wildlife stewardship account established in [section 2] to be used solely, together with the interest and income from the money, as funding to secure wildlife habitat pursuant to 87-1-209 and [section 2];

(b) 20% to the account established in [section 3]; and

(c) 5% to the account established in [section 4].

(3) If the account established in [section 2] has a balance of unobligated and unexpended funds that exceeds $50 million, then the transfers provided for in subsection (2) may not be made, and the department shall instead make the following transfers:

(a) 80% to the account established in [section 3]; and

(b) 20% to the account established in [section 4].

(4) The amount in subsection (3) must increase each year by an inflation adjustment that is based on any change to the consumer price index from the previous year. The consumer price index to be used for the calculation is the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor.

Section 2. Land and wildlife stewardship state special revenue account. There is a land and wildlife stewardship account in the state special revenue fund established in 17-2-102 that is administered by the department of fish, wildlife, and parks for the benefit of the department of fish, wildlife, and parks. All funds received pursuant to [section 1] must be deposited in the account.

(2) Funds in the account may be used, together with the interest and income from the money, only as funding:

(a) to secure wildlife habitat pursuant to 87-1-209;

(b) for state water projects up to $4 million per fiscal year in coordination with the department of natural resources and conservation; or

(c) for any conservation projects that include a public access component.

(3) The account retains its own interest.

(4) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

Section 3. Wildlife habitat improvement project state special revenue account. There is a wildlife habitat improvement project account in the state special revenue fund established in 17-2-102 that is administered by the department of fish, wildlife, and parks for the benefit of the department of fish, wildlife, and parks. All funds received pursuant to [section 1] must be deposited in the account.

(2) Funds in the account may be used only as funding for wildlife improvement projects in the same manner as funding under 87-5-806.

(3) The account retains its own interest.

(4) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

Section 4. Big game and wildlife highway crossings and accommodations account -- purpose -- funds invested. (1) There is a big game and wildlife highway crossings and accommodations state special revenue account in the state special revenue fund established in 17-2-102 administered by the department of fish, wildlife, and parks.

(2) The purpose of the account is to provide money exclusively for the design, construction, identification, maintenance, and conservation of wildlife crossings and other related crossing accommodations to improve wildlife permeability in the state, which may include but is not limited to:

(a) matching any federal money for a project to design, construct, identify, maintain, or protect wildlife crossings and other related crossing accommodation features;

(b) conducting studies on wildlife crossings and other related crossing accommodations;

(c) designing or constructing wildlife crossings and other related crossing accommodation features;

(d) planning related to wildlife crossings and other related crossing accommodation features, including assessing risk of wildlife disease transmission;

(e) staffing needs related to the design, construction, identification, maintenance, and conservation of wildlife crossings and other related crossing accommodation features; and

(f) any other needs the department identified in consultation with the department of transportation related to wildlife highway crossing accommodations.

(3) There must be deposited into the account transfers, gifts, grants, donations, income from investment of the fund, and any other money distributed or otherwise allocated to the fund.

(4) Money in the account may be used to fund the department of transportation for eligible projects or programs as determined by the department of fish, wildlife, and parks. The department of fish, wildlife, and parks shall consult with the department of transportation before funding qualifying projects in the state in accordance with subsection (2).

(5) Money that was not encumbered or expended from the account during the previous biennium must remain in the account.

(6) Deposits to the account must be placed in short-term investments to accrue interest. The interest must be deposited in the account.

Section 5. Section 16-12-111, MCA, is amended to read:

"**16-12-111. Marijuana state special revenue account -- operating reserve -- transfer of excess funds.** (1) There is a dedicated marijuana state

special revenue account within the state special revenue fund established in 17-2-102, to be administered by the department.

(2) The account consists of:

(a) money deposited into the account pursuant to this chapter;

(b) the taxes collected pursuant to Title 15, chapter 64, part 1;

(c) license and registered cardholder fees deposited into the account pursuant to this chapter;

(d) taxes deposited into the account pursuant to 16-12-310; and

(e) civil penalties collected under this chapter.

(3) Except as provided in subsection (4), money in the account must be used by the department for the purpose of administering the provisions of this chapter.

(4) At the end of each fiscal year, the department shall transfer funds in excess of a 3-month operating reserve necessary to fund operating costs at the beginning of the next fiscal year in the following order:

(a) ~~an amount not to exceed $6 million~~ *11%* must be transferred to the healing and ending addiction through recovery and treatment (HEART) account established in 16-12-122;

(b) the net balance remaining after distribution to the HEART account must be distributed as follows:

(i) 20% to the ~~credit of the department of fish, wildlife, and parks to be used solely as funding for wildlife habitat in the same manner as funding generated under 87-1-242(3) and used pursuant to 87-1-209~~ *habitat legacy account provided for in [section 1]*;

(ii) 4% to the state park account established in 23-1-105(1);

(iii) 4% to the trails and recreational facilities account established in 23-2-108;

(iv) 4% to the nongame wildlife account established in 87-5-121;

(v) 3% or $200,000, whichever is less, to the veterans and surviving spouses state special revenue account provided for in 10-2-108;

(vi) for the biennium beginning July 1, 2021, $300,000 to the department of justice to administer grant funding to local and state law enforcement agencies for the purpose of purchasing and training drug detection canines and canine handlers, including canines owned by local law enforcement agencies to replace canines who were trained to detect marijuana;

(vii) $150,000 to the board of crime control to fund crisis intervention team training as provided in 44-7-110; and

(viii) the remainder to the general fund. (Subsection (4)(b)(vi) terminates June 30, 2025--sec. 117(2), Ch. 576, L. 2021.)"

Section 6. Section 87-5-801, MCA, is amended to read:

"**87-5-801. Short title.** This part may be cited as the "Kelly Flynn Montana Wildlife Habitat Improvement *Program and Legacy* Act"."

Section 7. Section 87-5-802, MCA, is amended to read:

"**87-5-802. Definitions.** As used in this part, unless the context indicates otherwise, the following definitions apply:

~~(1)~~*(1)* "Council" means the wildlife habitat improvement advisory council established in 87-5-803.

~~(2)~~*(2)* "Department" means the department of fish, wildlife, and parks established in 2-15-3401.

~~(3) "Native plant" means a plant indigenous to the state of Montana.~~

(3) "Habitat" means the natural environment where a species lives or thrives.

~~(4)~~*(4)* "Noxious weed" ~~means a weed~~ *has the same meaning as provided* ~~defined~~ in 7-22-2101.

~~(5) "Noxious weed management" means an integrated weed management program for the containment, suppression, and, where possible, eradication of noxious weeds. The term includes a long-term management approach toward noxious weeds that includes but is not limited to hand-pulling, cultivation, herbicide application, mechanical or biological control, prescribed grazing or burning, prevention, and revegetation.~~"

Section 8. Section 87-5-803, MCA, is amended to read:

"**87-5-803. Wildlife habitat improvement advisory council -- duties -- members.** (1) There is a wildlife habitat improvement advisory council appointed by the director that ranks projects pursuant to 87-5-804 and advises the department on the administration of this part, including making recommendations on additional weed and soil treatment options and methods that are eligible for funding under this part.

(2) The council consists of the following voting members:

(a) ~~the director of the department or a representative of the department~~ *a wildlife biologist*;

~~(b) a representative of a hunting organization in Montana ;~~

~~(c)~~*(b)* ~~a representative of a multiple-use recreation organization in Montana~~ *a member of an Indian tribe within Montana as defined in 2-15-141*;

~~(d) a representative of the timber industry in Montana;~~

~~(e)~~*(c)* ~~a~~ *an agricultural or* livestock producer or a representative of ~~a~~ *an agricultural or* livestock producer organization in Montana;

~~(f) a farmer or a representative of a farming organization in Montana;~~

~~(g)~~*(d)* ~~a commercial applicator as defined in 80-8-102~~ *a member of a conservation organization*; *and*

~~(h) a representative of biological research and control interests ;~~

~~(i)~~*(e)* ~~a representative of the Montana weed control association;~~ *a representative of the Montana weed control association* ~~and~~.

~~(j) two county representatives, one each from the western and eastern parts of the state, who may include a county commissioner, district weed board member, or weed district supervisor.~~

~~(2) Nonvoting members of the council include:~~

~~(a) the state weed coordinator; and~~

~~(b) one representative each from:~~

~~(i) the United States bureau of land management;~~

~~(ii) the United States forest service;~~

~~(iii) the United States bureau of reclamation;~~

~~(iv) the United States fish and wildlife service;~~

~~(v) the Montana department of natural resources and conservation; and~~

~~(vi) an Indian tribe as defined in 2-15-141.~~"

Section 9. Section 87-5-804, MCA, is amended to read:

"**87-5-804. Wildlife habitat improvement projects -- ~~requirements -- ranking.~~** ~~(1) Project proposals must:~~

~~(a) address how projects would restore, rehabilitate, improve, or manage land as wildlife habitat through noxious weed management;~~

~~(b) include a plan to remove noxious weeds or prevent them from propagating or taking hold in the project area;~~

~~(c) include a commitment to match at least 25% of a grant in cash, goods, or services; and~~

~~(d) include measurable objectives and a monitoring plan to allow the department to analyze how noxious weed management is restoring, rehabilitating, improving, or managing land as wildlife habitat.~~

~~(2)~~*(1)* The council shall rank wildlife habitat improvement project proposals *pursuant to 87-5-806 and* according to rules adopted by the department pursuant to 87-5-808 and make funding recommendations to the department.

~~(3)~~*(2)* In ranking the ~~proposals~~ *projects*, the council shall give preference to projects in wildlife habitat that include:

(a) ~~access for public hunting~~ *public access*;

(b) ~~multiple partners and landowners~~ *the number of project partners involved*; and

(c) the amount of additional funding provided to carry out a project;

(3) Factors providing for preference under subsection (2) may not be considered mandatory.

~~(c) a commitment to match at least 25% of the final grant in cash.~~

~~(4) Additional preference must be given to a project that proposes to:~~

~~(a) address the primary spread of noxious weeds to adjacent areas of wildlife habitat with native plants;~~

~~(b) include a significant portion of ecologically important wildlife habitat that is in need of restoration;~~

~~(c) include a significant portion of a watershed; or~~

~~(d) maintain native plants after project completion.~~"

Section 10. Section 87-5-806, MCA, is amended to read:

"**87-5-806. Administration and expenditure of funds -- cooperation with other entities.** (1) ~~(a)~~ *State, tribal, and federal agencies, as well as conservation districts, irrigation districts, grazing associations, weed control districts, other entities the department considers appropriate for wildlife habitat improvement projects, and nonprofit organizations exempt from taxation under section 26 U.S.C. 501(c)(3), may apply for project funding.*

(2) The department may expend funds deposited pursuant to *[section 3] and* 87-5-805 through grants or contracts to*:* ~~communities, noxious weed management districts, conservation districts, nonprofit organizations exempt from taxation under 26 U.S.C. 501(c)(3), or other entities that it considers appropriate for wildlife habitat improvement projects.~~

~~(b) The department shall consider project recommendations from the council.~~

~~(c) The department may cooperate in and coordinate the planning and disbursement of these funds with federal, state, and local agencies responsible for the management of noxious weeds.~~

~~(2) A project is eligible to receive funds only if the county in which the project occurs has funded its own weed management program using one of the following methods, whichever is less:~~

~~(a) levying an amount of not less than 1.6 mills or an equivalent amount from another source; or~~

~~(b) appropriating an amount of not less than $100,000 from any source.~~

~~(3) The department may expend money deposited pursuant to 87-5-805 to:~~

~~(a) restore, rehabilitate, improve, or manage areas of land as wildlife habitat by controlling noxious weeds;~~

~~(b) acquire goods and services that will help control noxious weeds in order to restore, rehabilitate, improve, or manage land as wildlife habitat;~~

~~(c) fund cost-share noxious weed management programs with local noxious weed management districts; or~~

~~(d) provide special grants to local noxious weed management districts to eradicate or contain significant noxious weeds newly introduced into the county that affect wildlife habitat.~~

~~(4) Expenditures allowed pursuant to subsection (3) are limited to:~~

~~(a) biological or mechanical control of noxious weeds;~~

~~(b) purchases and application of approved herbicides;~~

~~(c) seed purchases and application of seed;~~

~~(d) grazing costs as a component of an overall integrated noxious weed management plan;~~

~~(e) other weed and soil treatment options and methods recommended by the council to reduce noxious weeds and support native vegetation; and~~

~~(f) grant administration, vegetation monitoring, and related administrative costs not to exceed 10% of a total project amount.~~

(a) improve, conserve, protect, and maintain terrestrial habitat;

(b) improve, conserve, and maintain aquatic habitat;

(c) participate in water enhancement projects to benefit aquatic habitat and allow for other watershed enhancements that benefit fish, wildlife, and water conservation;

(d) improve and maintain range conditions, restoration of habitat, and drought resilience designed to create habitat uplift on private, public, and tribal lands;

(e) address and mitigate impacts that are detrimental to wildlife habitat and the environment and improve the condition of the land due to noxious weeds, soil disturbance, and loss of diverse habitat communities;

(f) mitigate conflicts and reduce potential for disease transmission between wildlife and domestic livestock;

(g) help fund activities and employees of the state tribal wildlife programs; and

(h) create habitat uplift and net conservation gain for species of conservation need.

~~(5)~~*(3)* The department may expend the funds deposited pursuant to ~~87-5-805~~ *[section 3]* to pay costs incurred by the department for administering this part and providing support to the council, including but not limited to personal services costs, operating costs, and other administrative costs. ~~After fiscal year 2019, administrative~~ *Administrative* costs may not exceed 15% of the total amount expended pursuant to subsection ~~(3)~~ *(2)*."

Section 11. Section 87-5-808, MCA, is amended to read:

"**87-5-808. Rulemaking authority.** The department shall adopt rules to implement this part, including a scoring system for ranking projects proposed to the council *under 87-5-804*."

Section 12. Appropriation. (1) There is appropriated $7.5 million from the account provided for in [section 2] to the department of fish, wildlife, and parks for the biennium beginning July 1, 2025, for the purposes of implementing [this act].

(2) There is appropriated $2,000,000 from the fund established in [section 3] to the department of fish, wildlife, and parks for the biennium beginning July 1, 2025, for the purposes of implementing [this act].

(3) There is appropriated $500,000 from the fund established in [section 4] to the department of fish, wildlife, and parks for the biennium beginning July 1, 2025, for the purposes of implementing [this act].

Section 13. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 14. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 87, chapter 5, and the provisions of Title 87, chapter 5, apply to [sections 1 through 4].

Section 15. Effective date. [This act] is effective July 1, 2025.

Section 16. Termination. [Section 2(2)(b)] terminates June 30, 2033.

Approved May 13, 2025

CHAPTER NO. 759

[HB 935]

AN ACT PROVIDING FOR A STUDY OF DEPARTMENT SUSPENSION OR CLOSURE OF NEW GROUND WATER APPROPRIATIONS IN THE FOX HILLS-HELL CREEK AQUIFER; PROVIDING FOR A FEASIBILITY STUDY OF GROUND WATER AVAILABILITY; PROVIDING REPORTING REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Fox Hills-Hell Creek aquifer -- ground water study. (1) The bureau of mines and geology shall complete a feasibility study on ground water availability from the Fox Hills-Hell Creek aquifer in the department administrative boundaries 39E, 39FJ, 39G, 39H, 40D, 40E, 40P, 40Q, 40R, 40S, 42A, 42C, 42J, 42K, 42KJ, 42L, and 42M. The study may include:

(a) the compilation and update of new geologic and hydrogeologic data;

(b) a limited field collection of water levels and pressure for wells with historical data;

(c) a preliminary water budget for the Fox Hills-Hell Creek aquifer; and

(d) a preliminary model to evaluate the effects of pumping on water levels and pressure.

(2) The bureau shall report the progress and results of its study to the water policy interim committee established in 5-5-231. The committee shall consider the results of the study and make recommendations to the legislature for department suspension or closure of new ground water appropriations from the Fox Hills-Hell Creek aquifer.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [section 1].

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

Section 4. Termination. [This act] terminates June 30, 2027.

Approved May 13, 2025

CHAPTER NO. 760

[HB 936]

AN ACT IMPLEMENTING THE PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; REQUIRING THAT A PORTION OF THE HOSPITAL UTILIZATION FEE BE USED FOR HOSPITAL QUALITY AND EFFICIENCY INCENTIVE PAYMENTS; REQUIRING THAT A PORTION OF THE HOSPITAL UTILIZATION FEE BE USED FOR PAYMENTS TO INDEPENDENT NONAFFILIATED CRITICAL ACCESS HOSPITALS; ALLOWING LOAN REPAYMENT AND FUNDING FOR ADDITIONAL BEDS AT THE MONTANA STATE HOSPITAL TO BE ELIGIBLE USES OF THE BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS FUND ON A ONE-TIME BASIS; PROVIDING FOR A STUDY ON THE LONG-TERM

SUSTAINABILITY OF OBJECTIVES IN HB 872; ESTABLISHING REPORTING REQUIREMENTS; AMENDING SECTION 50-1-119, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Section 50-1-119, MCA, is amended to read:

"**50-1-119. Behavioral health system for future generations fund.** (1) There is an account in the state special revenue fund established in 17-2-102 to be known as the behavioral health system for future generations fund.

(2) There must be deposited in the account money received from legislative general fund transfers.

(3) Eligible uses of the fund include:

(a) medicaid and CHIP matching funds for payments made to behavioral health settings;

(b) medicaid and CHIP matching funds for payments made to intermediate care facilities for individuals with intellectual disabilities;

(c) statewide community-based investments to stabilize behavioral health and developmental disabilities service providers and delivery, increase and strengthen the behavioral health and developmental disabilities workforce, increase service capacity to meet identified behavioral health and developmental disabilities services demands, and increase opportunities for Montanans to receive integrated physical and behavioral health care;

(d) acquisition of new or remodeling of existing infrastructure or property to support the establishment of behavioral health settings and intermediate care facilities for individuals with intellectual disabilities;

(e) planning, operation, or other contract expenses associated with intermediate care facilities for individuals with intellectual disabilities;

(f) planning, operation, or other contract expenses associated with behavioral health settings; ~~and~~

(g) studying and planning of the development of a comprehensive behavioral health system*;*

(h) offering student loan repayment programs for nurses, licensed practical nurses, and psychiatrists at state health facilities and prioritizing employees at the Montana state hospital for the programs; and

(i) providing additional licensed beds at the Montana state hospital.

(4) *(a)* Funds in this account may not be used to operate existing state facilities.

(b) Student loan repayments and the addition of licensed beds are not considered operating expenses for the purposes of this section."

Section 2. Near-term initiatives. The department of public health and human services shall continue using its approved funding for behavioral health system for future generations near-term initiative number one to support community-based court-ordered evaluations and clinical stabilization services in local detention facilities.

Section 3. Reporting -- comprehensive school and community treatment services to children. The department of public health and human services shall develop and report patient-centered health outcome measures and total costs for each program and for each child for comprehensive school and community treatment services to children. The report shall be provided on a quarterly basis to the health and human services interim budget committee and the children, families, health, and human services interim committee.

Section 4. Montana state hospital reporting. (1) Starting July 1, 2025, and each month thereafter, the department of public health and human

services shall submit a written report on the Montana state hospital. The report must outline the department's hiring efforts and following data:

(a) the number of applications received;

(b) the number of qualified applicants;

(c) the number of interviews conducted; and

(d) the number of new employees hired.

(2) The monthly reports must be submitted to the legislative finance committee, the interim budget committee section B, and the interim budget committee section F.

Section 5. Long-term sustainability of HB 872 study -- committee. (1) During the interim following the 69th legislative session, there is a House Bill No. 872 long-term sustainability committee to analyze and propose mechanisms to provide sustainable funding for long-term objectives of House Bill No. 872 to the executive branch and to the legislative finance committee in preparation for the 70th legislative session.

(2) The committee consists of the following members:

(a) the chair of the health and human services appropriations joint subcommittee;

(b) four members of the health and human services appropriations joint subcommittee, with one appointed by the speaker of the house, and one appointed by the minority leader of the house, one appointed by the president of the senate, and one appointed by the minority leader of the senate, in consultation with the chair of the health and human services appropriations joint subcommittee;

(c) the director of the department of public health and human services, or the director's designee;

(d) the medicaid bureau chief; and

(e) the budget director or the director's designee.

(3) The department of public health and human services shall staff the committee and pay for the operational costs of the committee.

(4) The office of budget and program planning and the legislative fiscal division shall provide research and analysis at the request of the committee.

(5) The committee shall elect a presiding officer from one of the members who is a legislator and elect a vice presiding officer.

(6) Starting June 1, 2025, the committee shall meet every 2 months and may meet remotely.

(7) The committee shall reserve time at each committee meeting for public comment. Public participation is encouraged.

Section 6. Coordination instruction. The appropriation in House Bill No. 2 for certified community behavioral health centers is contingent on the passage and approval of House Bill No. 574. If House Bill No. 574 is not passed and approved, the appropriation in House Bill No. 2 is void.

Section 7. Effective date. [This act] is effective July 1, 2025.

Section 8. Termination. [This act] terminates June 30, 2027.

Approved May 13, 2025

CHAPTER NO. 761

[HB 939]

AN ACT PROVIDING FOR SETBACKS FOR WIND TURBINE GENERATORS; ESTABLISHING A WIND TURBINE GENERATOR DEICING STANDARD; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Required setback for wind turbine generators. After [the effective date of this act], a wind turbine generator built pursuant to a wind energy agreement as described in 70-17-406 may not be constructed if the wind turbine tower is 500 feet or more in height, as measured from the natural ground level at the base of the tower to the tip of the turbine rotor blade, if the base of the tower is located at a distance of less than 1,500 feet from an occupied residence, unless a shorter setback distance is approved by the owner of the real property.

Section 2. Wind turbine generator deicing -- requirement. After [the effective date of this act], a wind turbine generator shall use commercially reasonable efforts to mitigate icing risks during an operator-controlled turbine rotor blade deicing process if the wind turbine generator is:

(1) 500 feet or more in height, as measured from the natural ground level at the base of the tower to the tip of the turbine rotor blade;

(2) constructed within an area with an ice class rating of 4 or more, as defined in international energy agency guidelines published in February 2017; and

(3) located within a distance of 1,500 feet from an occupied residence.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 75, chapter 26, and the provisions of Title 75, chapter 26, apply to [sections 1 and 2].

Section 4. Effective date. [This act] is effective January 1, 2026.

Approved May 13, 2025

CHAPTER NO. 762

[HB 943]

AN ACT ESTABLISHING THE MONTANA RARE DISEASE ADVISORY COUNCIL; PROVIDING FOR ADVISORY COUNCIL MEMBERSHIP AND DUTIES; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a rare disease, sometimes called an "orphan disease", is defined as a disease that affects fewer than 200,000 people in the United States; and

WHEREAS, there are more than 10,000 known rare diseases affecting more than 30 million Americans, more than half of whom are children; and

WHEREAS, approximately 95% of rare diseases do not have a treatment approved by the United States Food and Drug Administration; and

WHEREAS, while the exact cause for many rare diseases remains unknown, many rare diseases are genetic in origin and can be linked to mutations in a single gene or in multiple genes, which can be passed down from generation to generation; and

WHEREAS, individuals with rare diseases face many obstacles, including delays in obtaining an accurate diagnosis and finding a health care provider with expertise in treating the condition and a lack of affordable access to therapies and medication used to treat rare diseases, resulting in significant physical, mental, and financial challenges; and

WHEREAS, a state-based advisory council composed of qualified professionals and individuals living with rare diseases and their caregivers would educate and advise medical professionals, government agencies, legislators, and the public about rare diseases as an important public health

issue and encourage research and support the development of new and better policies to diagnose and treat rare diseases.

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

Section 1. Rare disease advisory council -- membership. (1) There is a rare disease advisory council within the department of public health and human services provided for in 2-15-2201 to provide guidance, education, and recommendations to the public, the legislature, and other government agencies on the needs of individuals with rare diseases living in Montana.

(2) The council consists of 17 members, who, if possible, must be full-time residents of Montana representing the geographic and population diversity of the state as follows:

(a) one representative of an academic research institution in the state that receives grant funding for rare disease research;

(b) one representative of the Montana medicaid program;

(c) one representative of the department of labor and industry;

(d) one nurse or advanced practice registered nurse licensed and practicing in Montana with experience treating rare diseases;

(e) one physician practicing in Montana with experience treating rare diseases;

(f) one geneticist or genetic counselor;

(g) one hospital administrator or the administrator's designee from a hospital in Montana that provides care to individuals diagnosed with rare diseases;

(h) two individuals with rare diseases;

(i) one caregiver of an individual with a rare disease;

(j) one representative of a rare disease patient organization that operates in Montana;

(k) one pharmacist with experience dispensing drugs used to treat rare diseases;

(l) one representative of the biopharmaceutical industry;

(m) one representative of a health plan company;

(n) one representative of the scientific community who is engaged in rare disease research, including but not limited to a medical researcher with experience conducting research on rare diseases;

(o) one mental health provider with experience treating rare disease patients in Montana; and

(p) one representative of the Montana public health laboratory.

(3) (a) (i) Within 30 days after [the effective date of this act], the governor shall appoint one member to serve as presiding officer of the advisory council for a 3-year term. The presiding officer may not hold a position within state government.

(ii) The governor shall appoint the remaining members of the advisory council for terms of not more than 4 years. The initial appointments may specify a shorter length of the initial term in order to stagger terms.

(b) At the end of the presiding officer's 3-year term and every 2 years afterward, the members of the advisory council shall elect a presiding officer by a majority vote.

(c) A member of the council may be reappointed.

(d) If a vacancy occurs, a new member must be appointed by the governor to fill the balance of the unexpired term.

(4) Advisory council members shall serve without additional compensation but are entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503.

Section 2. Rare disease advisory council duties -- meetings -- reports -- funding. (1) To benefit individuals impacted by rare diseases in the state, the advisory council shall perform the following duties:

(a) convene public hearings, make inquiries, and solicit public comment to assist the advisory council in surveying the needs of rare disease patients, caregivers, and providers in the state;

(b) consult with experts on rare diseases to develop policy recommendations for improving patient access to and quality of rare disease specialists, affordable and comprehensive health care coverage, relevant diagnostics, timely treatment, and other needed services;

(c) publish on the department of public health and human services' website:

(i) a list of existing, publicly accessible resources on research, diagnosis, treatment, and education related to rare diseases in the state; and

(ii) meeting minutes, notice of upcoming meetings, and opportunities for the submission of public comment to the advisory council;

(d) identify areas of unmet need for research and opportunities for collaboration with stakeholders and rare disease advisory councils in other states that can inform future studies and work done by the advisory council; and

(e) identify and distribute educational resources to health care providers to foster recognition and optimize treatment of rare diseases in the state.

(2) (a) The initial meeting of the advisory council must be held within 90 days after [the effective date of this act].

(b) For the first year after the advisory council is established, the advisory council shall meet no less than once a month in person or remotely for a length of time established by the presiding officer.

(c) After the first year of the advisory council's operation, the advisory council shall meet no less than once a quarter in person or remotely as determined by the presiding officer.

(3) Within 1 year after [the effective date of this act] and annually thereafter, the council shall submit a report to the governor and, in accordance with 5-11-210, to the legislature and the children, families, health, and human services interim committee describing:

(a) the activities and progress of the advisory council related to the duties described in subsection (1);

(b) the status of the funding of the advisory council, including grants that are sought, accepted, or used; and

(c) recommendations to the governor and legislature on ways to address the needs of individuals living with rare diseases in the state.

(4) The advisory council may seek gifts, donations, grants, and other sources of funding to support its activities.

Section 3. Appropriation. (1) There is appropriated $16,000 from the general fund to the department of public health and human services for the biennium beginning July 1, 2025.

(2) The appropriation must be used to pay for costs associated with the rare disease advisory council provided for in [sections 1 and 2].

(3) The legislature intends that the appropriation in this section be considered part of the ongoing base for the next legislative session.

Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified as a new part in Title 50, chapter 12, and the provisions of Title 50, chapter 12, apply to [sections 1 and 2].

Section 5. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 763

[HB 949]

AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ESTABLISH A FEE SCHEDULE AND ADMINISTRATIVE RULES TO ADDRESS THE PAYMENT OF COSTS ASSOCIATED WITH THE COMMITMENT OF INDIVIDUALS TO CERTAIN COMMUNITY FACILITIES; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 53-21-149 AND 53-21-193, MCA.

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

Section 1. Reporting requirement. Before September 1 of each even-numbered year, the department of public health and human services shall report to the children, families, health, and human services interim committee in accordance with 5-11-210. The report must include the following information:

(1) the number of individuals committed pursuant to 53-21-127(3)(a) and (3)(b) and aggregate information on the facilities to which they were committed; and

(2) the number of individuals detained pursuant to 53-21-124 and aggregate information on the facilities in which they were detained.

Section 2. Section 53-21-149, MCA, is amended to read:

"**53-21-149. Conditions of treatment in community facility, program, or course of treatment.** If the court orders a disposition under 53-21-127(3)(b), the court may order the following conditions for treatment in a community facility or program, or may order a course of treatment, including but not limited to:

(1) *(a)* following a treatment plan developed pursuant to 53-21-150 that may include case management services, medication, short-term inpatient treatment, chemical dependency treatment, assertive community treatment, or a combination, as set forth by the designated community facility or program or the individual responsible for the management and supervision of the respondent's treatment; or

~~(2)~~*(b)* specific residential or housing requirements that may include being under the care or custody of a relative or guardian.

(2) The department of public health and human services shall establish a fee schedule and administrative rules to address the payment of costs associated with the commitment of a person to a community facility or program pursuant to this section."

Section 3. Section 53-21-193, MCA, is amended to read:

"**53-21-193. Commitment to behavioral health inpatient facilities -- preference -- voluntary treatment.** (1) If a respondent is committed to the state hospital under 53-21-127 or if a person in an emergency situation requires detention under 53-21-129 and a bed is available at a behavioral health inpatient facility, the professional person shall inform the county attorney who shall inform the person who is responsible for transporting the individual as to the appropriate facility to which the individual is to be transported for admission.

(2) If a respondent is committed to or an individual requires emergency detention in a behavioral health inpatient facility, the facility must be notified and the facility shall state that a bed is available and agree to accept transfer of

the patient based on admission criteria before an individual may be transferred to the behavioral health inpatient facility under this section.

(3) A respondent who is committed to or an individual who is transferred to a behavioral health inpatient facility may be transferred to the state hospital for the remaining period of commitment in accordance with criteria established by the department by rule pursuant to 53-21-194. A court order for commitment or transfer must include the transfer authority, and all conditions contained in the court order apply after a transfer.

(4) The court may not order commitment of the respondent or transfer of an individual to a behavioral health inpatient facility under this part if a bed is not available or if the licensed capacity would be exceeded.

(5) If a bed is available, a behavioral health inpatient facility may admit a person for voluntary treatment.

(6) The department of public health and human services shall establish a fee schedule and administrative rules to address the payment of costs associated with the commitment of a person to a behavioral health inpatient facility as provided by this section."

Section 4. Appropriation. (1) There is appropriated $5,000 from the general fund to the department of public health and human services for the biennium beginning July 1, 2025, for the costs of implementing [this act].

(2) The legislature intends that this is a one-time-only appropriation.

Approved May 13, 2025

CHAPTER NO. 764

[HB 954]

AN ACT EXTENDING THE DATE BY WHICH LAKE COUNTY MAY WITHDRAW FROM ENFORCEMENT OF CRIMINAL JURISDICTION WITHIN THE FLATHEAD INDIAN RESERVATION ON BEHALF OF THE STATE; AMENDING SECTION 5, CHAPTER 556, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 5, Chapter 556, Laws of 2021, is amended to read:

"**Section 5. Termination.** [This act] terminates June 30, ~~2027~~ *2031*."

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

Approved May 13, 2025

CHAPTER NO. 765

[SB 45]

ESTABLISHING A MONTANA JUDICIAL PERFORMANCE EVALUATION SYSTEM; CREATING A JUDICIAL PERFORMANCE EVALUATION COMMISSION AND PROVIDING FOR DUTIES AND MEMBERS; ALLOCATING THE COMMISSION TO THE DEPARTMENT OF JUSTICE FOR ADMINISTRATIVE PURPOSES; REQUIRING THE COMMISSION TO PERFORM EVALUATIONS FOR DISTRICT COURT JUDGES AND SUPREME COURT JUSTICES; REQUIRING THE COMMISSION TO CONTRACT FOR A SURVEY; PROVIDING THE COMMISSION RULEMAKING AUTHORITY; PROVIDING RULEMAKING AUTHORITY; PROVIDING A TRANSITION;

PROVIDING A ONE-TIME-ONLY APPROPRIATION; PROVIDING REPORTING REQUIREMENTS; AMENDING SECTION 3-1-1124, MCA; AND PROVIDING A TERMINATION DATE.

WHEREAS, the Montana Legislature finds that it is necessary to provide a comprehensive evaluation system of judicial performance to provide Montana citizens with fair, responsible, and useful information about the judicial performance of supreme court justices and district court judges; and

WHEREAS, providing information to the people of Montana regarding the performance of judges and justices is a matter of public interest and statewide concern; and

WHEREAS, the information provided by a comprehensive evaluation system of judicial performance will provide judges and justices with useful information about their own performances; and

WHEREAS, the Montana Legislature has decided to establish an independent office on judicial performance evaluation with authority to implement an evaluation process and conduct and publicize evaluations.

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

Section 1. Judicial performance evaluation commission -- appointment -- members -- rulemaking. (1) There is a judicial performance evaluation commission. The commission consists of 11 members as follows:

(a) one member appointed by the president of the senate and one member appointed by the senate minority leader;

(b) one member appointed by the speaker of the house of representatives and one member appointed by the house minority leader;

(c) four members appointed by the governor, including only one member currently or formerly licensed to practice law in Montana; and

(d) three members appointed by the chief justice of the supreme court, including only one member currently or formerly licensed to practice law in Montana.

(2) A person currently serving as a legislator or a judge may not be appointed to the commission.

(3) (a) A commission member appointed under subsection (1) serves a 4-year term. Terms of the commission members must be staggered.

(b) A member may not serve more than three consecutive terms.

(c) When a vacancy arises in the commission, the replacement must be appointed for the unexpired term by the same appointing authority that appointed the member whose departure created the vacancy.

(4) The commission shall elect a presiding officer from among its members.

(5) The commission shall provide recommendations to the legislature regarding the commission's budget and if the judicial performance evaluation program should be expanded to other courts.

(6) The commission may adopt rules to implement the provisions of [sections 4 through 8].

Section 2. Judicial performance evaluation commission -- salary and expenses -- staff -- administrative attachment. (1) A judicial performance evaluation commission member may not receive compensation or benefits for the member's service. A commission member may receive per diem and travel expenses as provided in Title 2, chapter 18, part 5.

(2) The commission shall employ an executive director and may employ additional staff as necessary within budgetary constraints.

(3) The commission is allocated to the department of justice for administrative purposes only as prescribed in 2-15-121, except that the provisions of 2-15-121(2)(d) do not apply.

Section 3. Definitions. As used in [sections 3 through 8], unless the context requires otherwise, the following definitions apply:

(1) "Bias" means prejudice displayed by using epithets, slurs, demeaning nicknames, or threatening, intimidating, or hostile acts or body language that creates an appearance of bias or prejudice.

(2) "Commission" means the judicial performance evaluation commission established in [section 1].

(3) "Court administrator" means the position established in 3-1-701.

(4) "Impartiality" means the absence of prejudice in favor of or against particular parties or classes of parties as well as the maintenance of an open mind when considering issues that may come before a judge.

(5) "Judge" means a district court judge or a supreme court justice.

(6) "Open-mindedness" means a judge shall interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.

Section 4. Judicial performance evaluations. (1) Beginning in 2026, the commission shall prepare:

(a) a midterm performance evaluation for each district court judge during the third year of the judge's term;

(b) a final performance evaluation for each district court judge during the fifth year of the judge's term;

(c) a midterm performance evaluation for each justice of the Montana supreme court during the third year of the justice's term;

(d) a final performance evaluation for each supreme court justice during the seventh year of the justice's term; and

(e) a final performance evaluation for each judge appointed to a vacancy during the year prior to the last year of the judge's current term.

(2) The performance evaluation for a judge under subsection (1) may consider only the information listed in subsections (3) and (4). The performance evaluation must give primary emphasis to information gathered since the judge's election or appointment to the judge's current term in office.

(3) The information a performance evaluation must consider is as follows:

(a) the results of the judge's most recent judicial performance survey conducted in accordance with [section 5];

(b) information acquired by observation of the judge's conduct in the courtroom;

(c) the judge's judicial disciplinary record, if any;

(d) public comment solicited by the commission;

(e) information from any earlier judicial performance evaluation of the judge, except that the commission shall rely primarily on information gathered subsequent to the last judicial election; and

(f) any other factor the commission considers relevant to evaluating the judge's performance and previously authorized as a permissible factor by rule.

(4) The commission shall make rules governing the conduct of courtroom observation. The rules must specify:

(a) who may perform the courtroom observation;

(b) whether the courtroom observation must be performed in person or may be performed by electronic means; and

(c) the standards used to evaluate the behavior observed.

(5) Prior to issuing the judicial performance evaluation, the commission shall allow a judge who is the subject of a judicial performance evaluation to appear and speak at any commission meeting during which the judge's judicial performance evaluation is being considered. Information disclosed during this meeting is confidential.

(6) The commission may meet in a closed meeting to discuss a judge's judicial performance evaluation by complying with Title 2, chapter 3, part 2.

(7) A judge may provide a written statement, not to exceed 200 words, that must be included in the judge's performance evaluation report.

Section 5. Judicial performance survey. (1) A third party under contract with the commission shall conduct a judicial performance survey. The third party may not be affiliated with a legal firm or a legal professional.

(2) (a) Each judicial performance survey must survey respondents in each of the following classifications:

(i) attorneys who have appeared before the judge as counsel either pro hac vice or while licensed to practice law in Montana;

(ii) jurors who have served in one or more cases before the judge; and

(iii) court staff who have worked with the judge.

(b) Only a respondent under subsection (2)(a)(i) who is admitted to practice law in the state and in good standing with the state bar of Montana may evaluate a judge's legal ability under subsection (7)(a).

(3) The commission may establish by rule additional classifications that the commission considers helpful to voters.

(4) All survey responses are confidential, including added comments.

(5) If the commission provides information to a judge or the court administrator, it must do so in a manner that protects the anonymity of survey respondents.

(6) A survey must be provided to a juror respondent no more than 30 days after the completion of the case in which the juror served.

(7) Surveys must include questions inquiring into the judge's:

(a) legal ability, including the following:

(i) understanding of the substantive law and rules of procedure and evidence;

(ii) attentiveness to factual and legal issues;

(iii) adherence to precedent and ability to justify clearly any departures from precedent;

(iv) appreciation of the practical impact on the parties of the judge's rulings, including rulings that cause delay or increased litigation expense;

(v) clarity in writing; and

(vi) clarity in explaining the bases for judicial opinions;

(b) judicial conduct, including the following:

(i) courtesy toward attorneys, court staff, witnesses, and others interacting with the judge's court;

(ii) appropriate courtroom decorum;

(iii) demeanor and personal attributes that promote public trust and confidence in the judicial system;

(iv) preparedness;

(v) avoidance of impropriety or the appearance of impropriety;

(vi) avoidance of bias and conflicts of interest;

(vii) fairness, open-mindedness, and impartiality;

(viii) ability to communicate clearly, including the ability to explain the basis for written rulings, court procedures, and decisions; and

(ix) compliance with 2-2-121 and 2-2-122 and the applicable rules of judicial conduct;

(c) administrative performance, including the following:

(i) workload management;

(ii) sharing proportionally the workload within the court or district; and

(iii) issuance of opinions and orders without unnecessary delay; and

(d) fidelity to:

(i) the Montana constitution, including Article III, section 1; and

(ii) 1-2-101 and 1-2-102.

(8) If the commission determines that a survey question is not appropriate for a respondent category, the commission may omit the question from the survey provided to that respondent group.

(9) (a) The survey must allow respondents to indicate responses either on a numerical scale from one to five or in the affirmative or negative, with an option for an inability to respond in the affirmative or negative.

(b) The commission may allow respondents to provide written comments other than those that could, if used in a hiring process, trigger a violation of federal or state employment law.

(10) The commission shall compile and make available to each judge that judge's survey results.

Section 6. Midterm reports. (1) The commission shall compile a midterm report for each judge relying on that judge's midterm evaluation. The midterm report may also be based on further information the commission considers useful for purposes of judicial evaluation or self-improvement.

(2) The commission shall provide the midterm report to the evaluated judge, the Montana supreme court, and the court administrator.

(3) (a) The commission may publish a partial midterm report for a judge whose appointment date precludes the collection of complete midterm evaluation data. For a newly appointed judge, a midterm report is considered partial when the midterm evaluation is missing a respondent group.

(b) The commission's webpage must identify each judge receiving a partial midterm report.

(c) Prior to a partial midterm report, the commission shall inform the court administrator of judges who will receive a partial report.

Section 7. Final reports. (1) The commission shall compile a final report for each judge relying on that judge's final evaluation. The final report may also be based on further information the commission considers useful for purposes of judicial evaluation or self-improvement.

(2) The commission shall provide the final report to the evaluated judge, the Montana supreme court, and the court administrator.

(3) (a) The commission may publish a partial final report for a judge whose appointment date precludes the collection of complete final evaluation data. For a newly appointed judge, a final report is considered partial when the final evaluation is missing a respondent group.

(b) The commission's webpage must identify each judge receiving a partial final report.

(4) Prior to a partial final report, the commission shall inform the court administrator of the judges who will receive partial reports.

Section 8. Publication of judicial performance reports. (1) (a) The commission shall provide each judge with the judge's reports in a timely manner. If a report is based on a final evaluation, it must be provided at least 45 days before the last day on which the judge may file a declaration of the judge's candidacy in the next election.

(b) Each report, together with the information collected for the report, must remain confidential unless the judge who is the subject of the report files a declaration of candidacy in the ensuing election. In that event, the report becomes public record on the day following the last day on which the judge may file a declaration of candidacy.

(2) The report must include:

(a) a summary of the results of the judicial performance survey and tabulations of the responses to each question;

(b) information concerning any public discipline that a judge has received and is not subject to restrictions on disclosure under Title 3, chapter 1, part 11;

(c) a narrative describing the judge's performance with, at the option of the commission, an overall score on a numerical scale from one to five;

(d) at the option of the judge evaluated, a written statement not to exceed 200 words submitted by the judge within 15 days of receiving a copy of the report; and

(e) any other information the commission considers necessary to include in the report.

(3) The report may not refer to information from a judge's earlier judicial performance report.

(4) The commission shall make each report publicly available on the internet.

(5) The commission shall provide the court administrator with each report that becomes public record.

Section 9. Section 3-1-1124, MCA, is amended to read:

"**3-1-1124. Disclosure for judicial selection -- appointment or assignment -- *judicial performance evaluation.*** *(1)* If in connection with the selection or appointment of a judge, any state or federal agency seeks information or written materials from the commission concerning that judge, information must be divulged in accordance with procedures prescribed by the commission, including reasonable notice to the judge affected.

(2) If in connection with the assignment of a retired judge to judicial duties, any appropriate authority seeks information or written materials from the commission about that judge, information must be divulged in accordance with procedures prescribed by the commission, including reasonable notice to the judge affected.

(3) If in connection to the conduct of a judicial performance evaluation required by [section 4], the judicial performance evaluation commission established in [section 1] seeks information or written materials from the judicial standards commission about that judge, information must be divulged in accordance with the procedures described by the judicial standards commission, including reasonable notice to the judge affected."

Section 10. Transition. (1) Within 30 days of [the effective date of this act], the appointing authorities in [section 1(1)] shall appoint the members of the judicial performance evaluation commission according to the schedule in subsection (2) of this section.

(2) (a) The member appointed by the president of the senate and the member appointed by the senate minority leader shall serve a 4-year term.

(b) The member appointed by the speaker of the house and the member appointed by the house minority leader shall serve a 2-year term.

(c) Of the four members appointed by the governor, two shall serve 2-year terms and two shall serve 4-year terms.

(d) Of the three members appointed by the chief justice of the supreme court, one shall serve a 2-year term and two shall serve 4-year terms.

(3) Members appointed pursuant subsection (2) who were appointed:

(a) to a 2-year term may be reappointed, and the 2-year term does not count against the term limits provided in [section 1(3)(b)]; and

(b) to a 4-year term may be reappointed, and the 4-year term counts toward the term limits provided in [section 1(3)(b)].

Section 11. Reporting to legislative committees. The commission shall provide a written report on its activities and implementation of [this act] to present in person to the following legislative committees during the interim following the 69th legislative session:

(1) the judicial branch, law enforcement, and justice interim budget committee established in 5-12-501; and

(2) the law and justice committee established in 5-5-226.

Section 12. Appropriation. (1) The following amounts are appropriated from the general fund to the department of justice for implementing the provisions of [this act]:

(a) $500,000 for the fiscal year beginning July 1, 2025; and

(b) $500,000 for the fiscal year beginning July 1, 2026.

(2) The legislature intends that these are one-time-only appropriations.

Section 13. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [sections 1 and 2].

(2) [Sections 3 through 8] are intended to be codified as a new part in Title 3, chapter 1, and the provisions of Title 3, chapter 1, apply to [sections 3 through 8].

Section 14. Termination. [This act] terminates June 30, 2035.

Approved May 13, 2025

CHAPTER NO. 766

[SB 116]

AN ACT REVISING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; REVISING THE QUALIFICATIONS OF THE MEMBERS OF THE COMMISSION; REVISING THE ADMINISTRATIVE REQUIREMENTS AND PROCESSES BETWEEN THE COMMISSION AND THE DEPARTMENT OF COMMERCE; AMENDING SECTION 22-3-1002, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 22-3-1002, MCA, is amended to read:

"**22-3-1002. Montana heritage preservation and development commission.** (1) There is a Montana heritage preservation and development commission. The commission is attached to the department of commerce for administrative purposes only, pursuant to 2-15-121. The ~~commission and the department shall negotiate a specific~~ indirect administrative rate ~~annually. The rate~~ *determined by the commission and the department* must be reported to the economic affairs interim committee in accordance with 5-11-210.

(2) (a) The commission consists of ~~14~~ *14* members. The members ~~shall~~ *must* broadly represent the state. ~~Nine~~ *Nine* members must be appointed by the governor, ~~one member~~ *one member* must be appointed by the president of the senate, and ~~one member~~ *one member* must be appointed by the speaker of the house.

(b) If the president of the senate and the speaker of the house do not appoint the members for which they are responsible within ~~6~~ *2* months of a vacancy having occurred in those positions, the members must be appointed by the governor.

(c) The director of the Montana historical society, the director of the department of fish, wildlife, and parks, and the director of the department of commerce shall serve as members.

(d) ~~Of the members appointed by the governor~~ *When appointing a member* under subsection (2)(a)*, the governor, the president of the senate, and the speaker of the house shall prioritize selection based on whether the member*:

(i) ~~one member must have extensive~~ *has* experience in managing facilities that cater to the needs of tourists;

(ii) ~~one member must have~~ *has* experience in community planning;

(iii) ~~one member must have~~ *has* experience in historic preservation;

(iv) ~~two members must have~~ *has* broad experience in business;

(v) ~~one member must be~~ *is* a member of the tourism advisory council established in 2-15-1816;

(vi) ~~one member must be~~ *is* a Montana historian; ~~and~~ *or*

(vii) ~~two members must be~~ *is* from the public at large.

(3) Except for the initial appointments, members appointed by the governor under subsection (2)(a) shall serve 3-year terms. Members appointed by the president of the senate and the speaker of the house or by the governor under subsection (2)(b) shall serve 2-year terms. If a vacancy occurs, the appointing authority shall make an appointment for the unexpired portion of the term.

~~(4) (a) The commission may employ:~~

~~(i) an executive director who has general responsibility for the selection and management of commission staff, developing recommendations for the purchase of property, and overseeing the management of acquired property;~~

~~(ii) a curator who is responsible for the display and preservation of the acquired property; and~~

~~(iii) other staff that the commission and the executive director determine are necessary to manage and operate commission properties.~~

~~(b) The commission shall prescribe the duties and annual salary of the executive director, the curator, and other commission staff.~~

(4) In compliance with the state pay plan, the department shall provide all staff and services to the commission that the commission, in conjunction with the department, determines are necessary for carrying out the commission's programs and statutory requirements. The department shall assess the commission for reasonable costs."

Section 2. Transition. The reduction of the number of Montana heritage preservation and development commission members from 14 to 9 as provided in [section 1(2)(a)] must occur as the terms of the existing members appointed by the governor end and the members are not reappointed.

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved May 13, 2025

CHAPTER NO. 767

[SB 542]

AN ACT GENERALLY REVISING TAX LAWS; PROVIDING FOR A PROPERTY TAX REBATE ON A PRINCIPAL RESIDENCE BASED ON A CERTAIN AMOUNT OF PROPERTY TAXES PAID FOR TAX YEAR 2024; REDUCING CLASS THREE AGRICULTURAL PROPERTY TAX RATES; REVISING CLASS FOUR RESIDENTIAL AND COMMERCIAL PROPERTY TAX RATES; PROVIDING A LOWER TAX RATE FOR CERTAIN OWNER-OCCUPIED RESIDENTIAL PROPERTY AND LONG-TERM RENTALS; PROVIDING A LOWER TAX RATE FOR A PORTION OF COMMERCIAL PROPERTY VALUE; PROVIDING ELIGIBILITY AND APPLICATION REQUIREMENTS; PROVIDING FOR AN APPEAL PROCESS; PROVIDING A REFUND FOR

FAILURE TO CLAIM A HOMESTEAD REDUCED TAX RATE; PROVIDING STATUTORY APPROPRIATIONS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-1-121, 15-6-133, 15-6-134, 15-7-102, 15-15-101, 15-15-102, 15-15-103, 15-16-101, 15-17-125, 15-30-2120, AND 17-7-502, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES.

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

Section 1. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Montana property taxes" means the ad valorem property taxes, special assessments, and other fees imposed on property classified under 15-6-134 that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre, as is reasonably necessary for its use as a dwelling and that were assessed and paid by the taxpayer for tax year 2024. The amount of Montana property taxes assessed and paid is equal to the total amount billed by the local government for the dwelling as shown on the 2024 property tax bill received by the taxpayer with a first-half payment due in or around November 2024 and a second-half payment due in or around May 2025.

(2) "Owned" includes purchasing under a contract for deed and being the grantor or grantors under a revocable trust indenture.

(3) (a) "Principal residence" means, subject to the provisions of subsection (3)(b), a dwelling:

(i) in which an owner can demonstrate the owner owned and lived for at least 7 months of the year for which the property tax rebate is claimed;

(ii) that is the only residence for which the taxpayer claims the property tax rebate; and

(iii) for which the taxpayer made payment of the assessed Montana property taxes during tax year 2024.

(b) A taxpayer who cannot meet the requirements of subsection (3)(a)(i) because the owner's principal residence changed during the tax year to another principal residence may still claim the property tax rebate if the taxpayer paid the Montana property taxes while residing in each principal residence for a total of at least 7 consecutive months for the 2024 tax year.

(4) "Tax year 2024" means the period January 1, 2024, through December 31, 2024.

Section 2. Property tax rebate -- penalty for false or fraudulent claim. (1) Except as provided in subsection (2), if the department discovers that a rebate paid to a taxpayer exceeded the amount allowed by [sections 1 through 3], the department may, within 1 year from the date the rebate was transmitted to the taxpayer, assess the taxpayer for the difference. The assessment is subject to the uniform dispute review procedure established in 15-1-211.

(2) A person who files a false or fraudulent claim for a property tax rebate under [sections 1 through 3] is subject to criminal prosecution under the provisions of 45-7-202. If a false or fraudulent claim has been paid by the department, the amount paid may be recovered as any other tax owed the state, together with a penalty of 300% of the rebate claimed and interest on the amount of the rebate claimed plus penalty at the rate of 12% a year, until paid. If this rebate plus penalty becomes due and owing, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

Section 3. Property tax rebate -- manner of claiming -- limitations -- appeals -- statutory appropriation. (1) Subject to the conditions provided

for in [sections 1 through 3], there is a rebate of Montana property taxes in the amount of $400 or the amount of total property taxes paid, whichever is less, for tax year 2024.

(2) The rebate provided for in subsection (1) is for Montana property taxes assessed to and paid by a taxpayer or taxpayers on property they owned and occupied as a principal residence during tax year 2024.

(3) The department shall mail a notice to potential claimants by June 30, 2025, for tax year 2024. Receipt of a notice does not establish that a taxpayer or property owner is eligible for a rebate, and a taxpayer who does not receive a notice may still be eligible to claim a rebate. All taxpayers, regardless of the receipt of notice, shall claim a rebate as provided in subsection (5).

(4) Except as provided in subsections (5)(c) and (5)(d), a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre that is owned by an entity is not eligible to claim the rebate.

(5) (a) (i) All claims for this property tax rebate must be submitted to the department electronically or by mail.

(ii) Electronic claims must be submitted between August 15, 2025, and October 1, 2025, through the department's website.

(iii) Claims submitted by mail must be made on a form prescribed by the department and postmarked by October 1.

(iv) The department may grant an extension of time if the claimant establishes good cause for missing the October 1 deadline. The department's authority to consider an application terminates on December 1, 2025, and any applications or requests for extension received after that date may not be processed.

(b) Subject to subsections (5)(c) and (5)(d), a claim for rebate must be submitted, under penalty of false swearing and the penalties provided in [section 2], on a form prescribed by the department and must contain:

(i) an affirmation that the claimant owns and maintains the land and improvements as the principal residence as defined in [section 1];

(ii) the geocode or other property identifier for the principal residence that the claimant is requesting the rebate on;

(iii) the social security number of the claimant and the claimant's spouse; and

(iv) any other information as required by the department that is relevant to the claimant's eligibility.

(c) The personal representative of the estate of a deceased taxpayer may execute and file the claim for rebate on behalf of a deceased taxpayer who qualifies for the rebate.

(d) The trustee of a grantor revocable trust may file a claim on behalf of the trust if the dwelling meets the definition of a principal residence for the grantor.

(6) Only one rebate will be issued to a taxpayer for the Montana property taxes paid by the taxpayer for tax year 2024.

(7) If a debt is due and owing to the state, the department may offset the rebate in this section as provided in sections 15-30-2629, 15-30-2630, 17-4-105, or as otherwise provided by law.

(8) If a property tax rebate is denied by the department, the claimant is entitled to a written explanation why the application was denied. A claimant may make a written appeal of a denial to a management level employee of the department, who shall issue a final decision that is not appealable. Appeals occurring under this subsection (8) are not subject to the provisions contained in 15-1-211.

(9) The payment of property tax rebates and administration costs related to paying property tax rebates under this section are statutorily appropriated, as provided in 17-7-502, from the general fund to the department of revenue for distribution to taxpayers and for related administration costs.

Section 4. Legislative findings -- local government charters and fixed mill levy limits superseded. (1) (a) The legislature finds that most local governments set mill levies that adjust downward when taxable value increases under 15-10-420. This floating mill levy concept automatically lowers the number of mills levied against a taxpayer when property values increase, which mitigates increases in property values. However, when mill levies are fixed, the opposite occurs when property values increase, and property taxes are not automatically mitigated for taxpayers that are levied based on a fixed mill levy.

(b) The legislature finds further that it is prohibited under Article VIII, section 2, of the Montana constitution, from suspending or contracting away the power to tax. The legislature also recognizes and respects the power of local governments under Article XI, section 5, of the Montana constitution to adopt, amend, revise, or abandon a charter.

(2) As a matter of policy, the legislature intends to supersede local government charters that fix mill levy limits for the limited purpose of exercising the power to tax while also maintaining local government revenue sources without raising taxes on residential taxpayers. Having considered all options on a statewide basis, the legislature finds the statutory structure of the property tax has evolved significantly since the passage of Initiative Measure No. 105 on November 4, 1986, and the enactment of 15-10-420 by the legislature in 1999. Given the significant change in the structure of the property tax and the rising cost of residential property in the last 5 years, there is a compelling interest to all the citizens of the state to lower residential property tax rates for primary residences, which can only be accomplished by this section and 15-10-420.

(3) A local government with a charter form of government that includes a mill levy limit of a specific number of mills that may be imposed in the charter shall levy the number of mills in fiscal year 2026 and subsequent tax years that will generate the amount of property taxes assessed in fiscal year 2025, without amending or revising the charter. In fiscal years after 2026, the local government shall levy the number of mills levied in fiscal year 2026.

(4) A taxing entity with a local mill levy limit of a specific number of mills that may be imposed that was authorized by the voters before [the effective date of this section], shall:

(a) elect to transition a voted mill levy to a dollar-based mill levy equal to the amount of property taxes assessed in fiscal year 2025 and thereafter subject to the provisions of 15-10-420(1)(a); or

(b) levy the number of mills in fiscal year 2026 that will generate the amount of property taxes assessed in fiscal year 2025. In fiscal years after 2026, the local government shall levy the number of mills levied in fiscal year 2026.

Section 5. Definitions. As used in [sections 5 through 10] and 15-6-134, the following definitions apply:

(1) "Homestead reduced tax rate" means the tax rate provided for in 15-6-134(3)(b)(i).

(2) "Long-term rental" means class four residential property:

(a) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and the parcel on which the long-term rental improvements are located but not including any contiguous or adjacent parcels;

(b) that an owner can demonstrate was:

(i) rented for periods of 28 days or more for at least 7 months in each tax year for which the rental property reduced tax rate is claimed; or

(ii) vacant for not more than 5 months to complete documented property repairs;

(c) that is occupied by tenants who use the dwelling as a residence during the year in which the reduced tax rate is claimed; and

(d) for which the owner is current on payment of the assessed Montana property taxes when claiming the reduced tax rate.

(3) "Owner" includes a purchaser under contract for deed as defined in 70-20-115, a grantor of a trust indenture as defined in 71-1-303, and the trustee of a grantor trust that is revocable as defined in 72-38-103.

(4) (a) "Principal residence" means class four residential property:

(i) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and the parcel on which the principal residence improvements are located but not including any contiguous or adjacent parcels;

(ii) in which an owner can demonstrate the owner owned and lived for at least 7 months of the year for which the homestead reduced tax rate for a principal residence is claimed;

(iii) that is the only residence for which the owner claims the homestead reduced tax rate for that year; and

(iv) for which the owner made payment of the assessed Montana property taxes.

(b) An owner who cannot meet the requirements of subsection (4)(a)(ii) because the owner's principal residence changed during the tax year to another principal residence may still qualify for the homestead reduced tax rate if the owner paid the Montana property taxes while residing in each principal residence for a total of at least 7 consecutive months for each tax year.

(5) "Rental property reduced tax rate" means the tax rate provided for in 15-6-134(3)(b).

(6) "Tax year 2026" means the period from January 1, 2026, through December 31, 2026.

Section 6. Homestead reduced tax rate -- application -- limitations. (1) There is a homestead reduced tax rate provided for in 15-6-134(3)(b)(i) for a principal residence as provided in this section.

(2) (a) Beginning in tax year 2026, the owner of a principal residence may apply to the department to receive the homestead reduced tax rate. The owner of a principal residence who applied for and received the rebate provided for in [sections 1 through 3] for tax year 2024 automatically qualifies for the homestead reduced tax rate unless subsections (2)(c)(i) through (2)(c)(iii) apply to the principal residence for which the rebate was claimed. The owner of a principal residence who did not receive a rebate under [sections 1 through 3], shall apply as provided in this section to receive the homestead reduced tax rate in tax year 2026.

(b) To receive the homestead reduced tax rate for the tax year in which the application is first made, the owner shall apply electronically through the department's website or by mail on a form prescribed by the department between December 1 of the immediately preceding year and March 1. Applications submitted by mail must be postmarked by March 1. Approved applications received electronically or postmarked after March 1 apply to the following tax year.

(c) Once approved, the homestead reduced tax rate remains effective until the end of the tax year in which any of the following events occur:

(i) there is a change in ownership of the property;

(ii) the owner no longer uses the dwelling as a principal residence; or

(iii) the owner applies for a homestead reduced tax rate for a different principal residence.

(d) If a homestead reduced tax rate is terminated pursuant to subsection (2)(c) or [section 8], any remaining property taxes due for the year in which the homestead reduced tax rate is terminated must be based on the tax rate in effect on January 1 of the year in which the homestead reduced tax rate was terminated.

(e) An application for a homestead reduced tax rate must be submitted on a form prescribed by the department and must contain:

(i) a written declaration made under penalty of perjury that the applicant owns and maintains the land and improvements as the principal residence as defined in [section 5]. The application must state the penalty provided for in [section 8].

(ii) the geocode or other property identifier of the principal residence for which the applicant is requesting the homestead reduced tax rate;

(iii) the social security number of the applicant; and

(iv) any other information required by the department that is relevant to the applicant's eligibility.

(3) (a) Except as provided in subsection (3)(b), class four residential property owned by an entity is not eligible to receive the homestead reduced tax rate.

(b) The trustee of a grantor revocable trust may apply for a homestead reduced tax rate for a principal residence on behalf of the trust if the dwelling meets the definition of a principal residence for the grantor.

(4) The department shall notify the owner if the homestead reduced tax rate is applied to the property or if the application was denied.

Section 7. Rental property reduced tax rate -- application -- limitations. (1) There is a rental property reduced tax rate provided for in 15-6-134(3)(b) for a long-term rental as provided in this section.

(2) (a) Beginning in tax year 2026, the owner of a long-term rental may apply to the department to receive the rental property reduced tax rate. The application must be made by an individual owner or, for an entity owner, by an authorized representative of the entity.

(b) The department shall mail a notice to potential claimants by October 30, 2025, for tax year 2026. Receipt of a notice does not establish that a taxpayer or property owner is eligible to receive the rental property reduced tax rate, and a taxpayer who does not receive a notice may still be eligible to claim the rental property reduced tax rate. All taxpayers, regardless of the receipt of notice, shall apply for a reduced rate as provided in this subsection (2).

(c) To receive the rental property reduced tax rate for the tax year in which the application is first made, the owner or authorized representative shall apply electronically through the department's website or by mail on a form prescribed by the department between December 1 of the immediately preceding year and March 1. Applications received electronically or postmarked after March 1 apply to the following tax year.

(d) Once approved, the rental property reduced tax rate remains effective until the end of the tax year in which any of the following events occur:

(i) there is a change in ownership of the property;

(ii) the property is no longer rented to tenants as a dwelling;

(iii) the terms of the lease change and the property no longer qualifies as a long-term rental as defined in [section 5]; or

(iv) the owner fails to submit a reapplication to the department as required in subsection (4).

(e) If a rental property reduced tax rate is terminated pursuant to subsection (2)(d) or [section 8], any remaining property taxes due for the year in which the rental property reduced tax rate is terminated must be based on the tax rate in effect on January 1 of the year in which the rental property reduced tax rate was terminated.

(3) An application for a rental property reduced tax rate must be submitted on a form prescribed by the department and must contain:

(a) a written declaration made under penalty of perjury that the applicant owns and maintains the land and improvements as a long-term rental as defined in [section 5]. The application must state the penalty provided for in [section 8].

(b) the geocode or other property identifier for the long-term rental for which the applicant is requesting the rental property reduced tax rate;

(c) the social security number or taxpayer identification number of the applicant;

(d) the income and expense information for the long-term rental for the immediately preceding year, including the amount of rent charged each month; and

(e) any other information required by the department that is relevant to the applicant's eligibility.

(4) To continue receiving the rental property reduced tax rate, the owner of a qualifying long-term rental shall reapply as required by the department. Beginning in 2028, the department shall require reapplication of 20% of long-term rentals each year.

(5) Periods of short-term vacancy not exceeding 5 months in a 12-month period do not disqualify a long-term rental from receiving the rental property reduced tax rate.

(6) The department shall notify the owner if the rental property reduced tax rate is applied to the property or if the application was denied.

Section 8. Homestead and rental property reduced tax rates -- improper approval -- penalty for false or fraudulent application. (1) Except as provided in subsection (2), if the department determines that an application for a homestead reduced tax rate or a rental property reduced tax rate was improperly approved or that the property no longer qualifies for the reduced rate, the department shall revise the assessment for each year the homestead reduced tax rate or the rental property reduced tax rate was improperly granted subject to the assessment revision procedure established in 15-8-601.

(2) (a) A person who files a false or fraudulent application for a homestead reduced tax rate provided for in [section 6] or for a rental property reduced tax rate provided for in [section 7] is subject to criminal prosecution under the provisions of 45-7-202.

(3) (a) If a person is determined to have filed a false or fraudulent application, the department shall revise the assessment of the property subject to the assessment revision procedure established in this section and 15-8-601 and assess a penalty as provided in this subsection (3). The penalty is equal to three times the base penalty amount calculated under subsection (3)(b) plus interest at the rate provided in 15-16-102 calculated from the original due date of the taxes, until paid.

(b) The base penalty amount is equal to the property tax due for each year the homestead reduced tax rate or the rental property reduced tax rate was improperly received, determined using the tax rate provided for in 15-6-134(3)(a), the appraised value, and the mill levies in effect for the year, less the actual property taxes paid in the year.

(c) The revised assessment and penalty must be assessed against a person who filed a false or fraudulent application even if the person no longer owns the property.

(4) If the person who filed a false or fraudulent application no longer owns the property associated with the false or fraudulent application, the penalty plus interest provided for in subsection (3) may be recovered as any other tax owed the state. If the penalty plus interest becomes due and owing, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(5) Except as provided in subsection (4), if the department determines that a false or fraudulent application was made, the department shall send the revised assessment with the additional penalty amount as determined under subsection (3) to the county treasurer in the county where the property is located.

(6) The county treasurer shall distribute property taxes, penalty, and interest collected under this section proportionally to the affected taxing jurisdictions.

(7) A revised assessment made under this section must be made within 10 years after the end of the calendar year in which the original application was made.

Section 9. Appeal or denial of reduced tax rate. (1) (a) If the department denies an application for a homestead reduced tax rate or a rental property reduced tax rate, the owner may request an informal review of the denial by submitting an objection on written or electronic forms provided by the department for that purpose in a manner prescribed by the department. The objection must be made no later than 30 days after the date of the denial notification sent pursuant to [section 6(4) or 7(6)].

(b) The property owner may request that the department consider extenuating circumstances to grant an application for the homestead reduced tax rate or the rental property reduced tax rate. Extenuating circumstances include but are not limited to extraordinary, unusual, or infrequent events that are material in nature and of a character different from the typical or customary, and that are not expected to recur.

(c) After the informal review, the department shall determine the correct status of the homestead reduced tax rate or the rental property reduced tax rate and notify the taxpayer of its determination by mail or electronically. In the notification, the department shall state its reasons for accepting or denying the application.

(2) If a property owner is aggrieved by the determination made by the department after the review provided for in subsection (1), the property owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts. An appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the department's determination. If the county tax appeal board or the Montana tax appeal board determines that the homestead reduced tax rate or the rental property reduced tax rate should apply, the department shall adjust the taxable value of the property in accordance with the board's order.

Section 10. Rulemaking authority. The department shall adopt rules that are necessary to implement and administer [sections 5 through 10].

Section 11. Reimbursement for loss of revenue from certain fixed mill levies. (1) The department shall reimburse each taxing entity as provided in this section for the revenue loss resulting from the tax rate reductions in 15-6-134 as amended by [this act] for the following levies:

(a) levies of a local government with a charter form of government that includes a mill levy limit of a specific number of mills that may be imposed in the charter; and

(b) levies stated as a specific mill levy authorized by voters before [the effective date of this section].

(2) (a) For fiscal year 2026, the reimbursement must be equal to the difference between the property tax revenue collected from the levies provided for in subsection (1) and the property tax revenue collected in fiscal year 2025. After fiscal year 2026, the reimbursement must be equal to the difference between the property tax revenue collected from the levies provided for in subsection (1) and the property tax revenue that would be collected in the current fiscal year using the mill levy that would raise the fiscal year 2025 tax revenue using the fiscal year 2026 taxable value.

(b) A reimbursement pursuant to this section must include any fines, penalties, or damages resulting from a judgment levy against the taxing entity in levying property taxes in accordance with [section 4].

(3) A taxing entity eligible to receive a reimbursement under this section shall report the loss in revenue from the tax rate reductions in 15-6-134 as amended by [this act] and any amount reimbursable under subsection (2)(b) to the department of revenue.

(4) A reimbursement provided for in this section may only be made for 4 years after [the effective date of this section].

(5) The department shall distribute the reimbursements with the entitlement share payments under 15-1-121(7).

Section 12. Section 15-1-121, MCA, is amended to read:

"**15-1-121. Entitlement share payment -- purpose -- appropriation.** (1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections, and other revenue in the state treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments.

(2) The sources of dedicated revenue that were relinquished by local governments in exchange for an entitlement share of the state general fund were:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle, boat, and aircraft taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;
(x) 61-10-148; and
(xi) 67-3-205;
(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);
(d) district court fees pursuant to:
(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);
(ii) 25-1-202;
(iii) 25-9-506; and
(iv) 27-9-103;
(e) certificate of title fees for manufactured homes pursuant to 15-1-116;
(f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;
(g) all beer, liquor, and wine taxes pursuant to:
(i) 16-1-404;
(ii) 16-1-406; and
(iii) 16-1-411;
(h) late filing fees pursuant to 61-3-220;
(i) title and registration fees pursuant to 61-3-203;
(j) veterans' cemetery license plate fees pursuant to 61-3-459;
(k) county personalized license plate fees pursuant to 61-3-406;
(l) special mobile equipment fees pursuant to 61-3-431;
(m) single movement permit fees pursuant to 61-4-310;
(n) state aeronautics fees pursuant to 67-3-101; and
(o) department of natural resources and conservation payments in lieu of taxes pursuant to former Title 77, chapter 1, part 5.

(3) Except as provided in subsection (7)(b), the total amount received by each local government in the prior fiscal year as an entitlement share payment under this section is the base component for the subsequent fiscal year distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. The sum of all local governments' base components is the fiscal year entitlement share pool.

(4) (a) Except as provided in subsections (4)(b)(iv) and (7)(b), the base entitlement share pool must be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year.

(b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share pool for the next fiscal year in the following manner:

(i) The department shall calculate the entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide accounting, budgeting, and human resource system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in subsections (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporate income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.25.

(ii) Except as provided in subsections (4)(b)(iii) and (4)(b)(iv), the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. Subject to subsection (4)(b)(iv), the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment.

(iv) The entitlement share growth rate, as described in this subsection (4), is:

(A) for fiscal year 2018, 1.005;

(B) for fiscal year 2019, 1.0187;

(C) for fiscal year 2020 and thereafter, determined as provided in subsection (4)(b)(ii). The rate must be applied to the entitlement payment for the previous fiscal year as if the payment had been calculated using entitlement share growth rates for fiscal years 2018 and 2019 as provided in subsection (4)(b)(ii).

(5) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (8). The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in 2002.

(6) (a) The entitlement share pools calculated in this section, the amounts distributed under 15-1-123(4) for local governments, the funding provided for in subsection (8) of this section, and the amounts distributed under 15-1-123(5) for tax increment financing districts are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments.

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the prior fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool before the growth amount or adjustments made under subsection (7) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(7) (a) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

(b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in 15-1-123(1) and (2). The department shall calculate the portion of the entitlement share pool attributable to the reimbursement in 15-1-123(1) and (2), including the application of the growth rate in previous fiscal years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply the growth rate for that portion of the entitlement share pool as provided in 15-1-123(3).

(c) The growth amount resulting from the application of the growth rate in 15-1-123(3) must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section.

(d) The growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in [section 11].

(8) (a) Except for a tax increment financing district entitled to a reimbursement under 15-1-123(5), if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any funding. If a tax increment financing district referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b) terminates.

(b) One-half of the payments provided for in this subsection (8)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment financing districts is as follows:

Flathead	Kalispell - District 2	$4,638
Flathead	Kalispell - District 3	37,231
Flathead	Whitefish District	148,194
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1-1C	225,251
Missoula	Missoula - 4-1C	30,009

(9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing districts.

(10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(11) A local government may appeal the department's estimation of the base component, the entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(12) (a) Except as provided in 2-7-517, a payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.

(b) A payment required pursuant to this section must be withheld if a local government:

(i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and

(ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or as otherwise required by law within 45 days of the end of a month.

(c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(i) file a financial report required by 15-1-504;

(ii) remit any amounts collected on behalf of the state as required by 15-1-504; or

(iii) remit any other amounts owed to the state or another taxing jurisdiction."

Section 13. Section 15-6-133, MCA, is amended to read:

"**15-6-133. Class three property -- description -- taxable percentage.** (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes as described in 70-16-301, or commercial purposes as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(1), which are considered to be nonqualified agricultural land. Nonqualified agricultural land may not be devoted to a commercial or industrial purpose. Nonqualified agricultural land is valued at the average productive capacity value of grazing land.

(2) Subject to subsection (3), class three property is taxed at ~~2.16%~~ *2.05%* of its productive capacity value.

(3) The taxable value of land described in subsection (1)(c) is computed by multiplying the value of the land by seven times the taxable percentage rate for agricultural land."

Section 14. Section 15-6-134, MCA, is amended to read:

"**15-6-134. Class four property -- description -- taxable percentage -- *definition*.** (1) Class four property includes:

(a) ~~subject to subsection (1)(c),~~ all land, except that specifically included in another class;

(b) ~~subject to subsection (1)(c):~~

(i) all improvements, including single-family residences, trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

(iii) vacant residential lots; and

(iv) rental multifamily dwelling units.

(c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202~~, including~~*;*

(d) 1 acre of real property beneath *residential* improvements on land described in 15-6-133(1)(c)~~. The 1 acre must be valued at market value.~~

~~(d)~~ *and* 1 acre of real property beneath an improvement used as a residence on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.

(e) real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land described in 15-6-133(1)(c) and real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The land must be valued at market value.

~~(e)~~*(f)* all commercial and industrial property, as defined in 15-1-101, and including:

(i) all commercial and industrial property that is used or owned by an individual, a business, a trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of income;

(ii) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(iii) commercial buildings and parcels of land upon which the buildings are situated; and

(iv) vacant commercial lots.

(2) If a property includes both residential and commercial uses, the property is classified and appraised as follows:

(a) the land use with the highest percentage of total value is the use that is assigned to the property; and

(b) the improvements are apportioned according to the use of the improvements.

(3) (a) Except as provided in 15-24-1402, 15-24-1501, 15-24-1502, and subsection (3)(b), class four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at ~~1.35% of market value.~~ *a graduated rate as follows:*

Market Value	*Tax Rate*
first $50,000	*0.76%*
$50,001 to $500,000	*0.95%*
$500,001 to $750,000	*1.15%*
$750,001 to $1 million	*1.2%*
$1,000,001 to $1.5 million	*1.4%*
$1,500,001 to $2 million	*1.89%*
greater than $2 million	*2.2%*

~~(b) The tax rate for the portion of the market value of a single-family residential dwelling in excess of $1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.~~

(b) The maximum graduated rate for multifamily dwelling units described in subsection (1)(b)(iv) with a market value of greater than $2 million is 1.89% if the dwelling units are leased at 150% or less of the county fair market rent. The property owner must certify lease rates to the department of revenue.

~~(c)~~*(4)* ~~The~~ *(a) Except as provided in subsection (4)(c), the* tax rate for commercial *and industrial* property ~~is the residential property tax rate in subsection (3)(a) multiplied by 1.4~~ *described in subsections (1)(e) and (1)(f) in excess of $400,000 is 1.89%.*

(b) The tax rate for the first $400,000 of market value for commercial and industrial property is 1.4%.

~~(4)~~*(c)* Property described in subsection ~~(1)(e)(ii)~~ *(1)(f)(ii)* is taxed at one-half the tax rate established in subsection ~~(3)(c)~~ *(4).*

(5) As used in this section, "fair market rent" means the fair market rent based on the size of the dwelling as published annually by the U.S. department of housing and urban development."

Section 15. Section 15-6-134, MCA, is amended to read:

"**15-6-134. Class four property -- description -- taxable percentage -- *definitions.*** (1) Class four property includes:

(a) ~~subject to subsection (1)(e),~~ all land, except that specifically included in another class;

(b) ~~subject to subsection (1)(e):~~

(i) all improvements, including single-family residences, trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

(iii) vacant residential lots; and

(iv) rental multifamily dwelling units.

(c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202*;*

(d) ~~, including~~ 1 acre of real property beneath *residential* improvements on land described in 15-6-133(1)(c),~~. The 1 acre must be valued at market value.~~

~~(d)~~ *and* 1 acre of real property beneath an improvement used as a residence on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.

(e) real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land described in 15-6-133(1)(c) and real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The land must be valued at market value.

~~(e)~~*(f)* all commercial and industrial property, as defined in 15-1-101, and including:

(i) all commercial and industrial property that is used or owned by an individual, a business, a trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of income;

(ii) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(iii) commercial buildings and parcels of land upon which the buildings are situated; and

(iv) vacant commercial lots.

(2) If a property includes both residential and commercial uses, the property is classified and appraised as follows:

(a) the land use with the highest percentage of total value is the use that is assigned to the property; and

(b) the improvements are apportioned according to the use of the improvements.

(3) ~~(a) Except as provided in~~ *Subject to* 15-24-1402, 15-24-1501, *and* 15-24-1502, ~~and subsection~~ *class four property is taxed as follows:*

(a) Except as provided in subsections (3)(b) *and (3)(c)*, class four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at ~~1.35%~~ *1.9%* of market value.

~~(b) The tax rate for the portion of the market value of a single-family residential dwelling in excess of $1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.~~

(b) (i) The tax rate for class four residential property described in subsections (1)(a), (1)(b)(i), (1)(b)(ii), and (1)(d) of this section that qualifies for the homestead reduced tax rate provided for in [section 6] or the rental property reduced tax rate provided for in [section 7] is:

(A) 0.76% for the market value that is less than or equal to the median residential value;

(B) 0.9% for the market value that is greater than the median residential value and less than 2 times the median residential value;

(C) 1.1% for the market value that is 2 times the median residential value or greater and less than 4 times the median residential value; and

(D) 1.9% for the market value that is 4 times the median residential value or greater.

(ii) The tax rate for a rental multifamily dwelling unit described in subsection (1)(b)(iv) that qualifies for the rental property reduced tax rate is 1.1%.

(c) The tax rate for property described in subsection (1)(c) that does not qualify for the homestead reduced tax rate or the rental property reduced tax rate is 1.35%.

~~(c)~~*(d)* The tax rate for commercial *and industrial* property ~~is the residential property tax rate in subsection (3)(a) multiplied by 1.4~~ *described in subsections (1)(e) and (1)(f), except property described in subsection (1)(f)(ii), is:*~~.~~

(i) for the market value less than 6 times the median commercial and industrial value, 1.5%; and

(ii) for the market value 6 times the median commercial and industrial value or greater, 1.9%.

~~(4)~~*(e)* Property described in subsection ~~(1)(e)(ii)~~ *(1)(f)(ii)* is taxed at one-half the tax rate established in subsection ~~(3)(c)~~ *(3)(d)*.

(4) The department shall calculate the median residential value and median commercial and industrial value every 2 years as part of the periodic reappraisal provided for in 15-7-111.

(5) As used in this section, the following definitions apply:

(a) "Median commercial and industrial value" means the median value of class four commercial and industrial property located in the state of Montana rounded to the nearest thousand dollars.

(b) "Median residential value" means the median value of a single-family residence located in the state of Montana rounded to the nearest thousand dollars."

Section 16. Section 15-7-102, MCA, is amended to read:

"**15-7-102. Notice of classification, market value, and taxable value to owners -- appeals.** (1) (a) Except as provided in 15-7-138, the department shall mail or provide electronically to each owner or purchaser under contract for deed a notice that includes the land classification, market value, and taxable value of the land and improvements owned or being purchased. A notice must be mailed or, with property owner consent, provided electronically to the owner only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

(i) change in ownership;

(ii) change in classification;

(iii) change in valuation; or

(iv) addition or subtraction of personal property affixed to the land.

(b) The notice must include the following for the taxpayer's informational and informal classification and appraisal review purposes:

(i) a notice of the availability of all the property tax assistance programs available to property taxpayers, including the intangible land value assistance program provided for in 15-6-240, the property tax assistance programs provided for in Title 15, chapter 6, part 3, *the homestead reduced tax rate provided for in [section 6], the rental property reduced tax rate provided for in [section 7],* and the residential property tax credit for the elderly provided for in 15-30-2337 through 15-30-2341;

(ii) the total amount of mills levied against the property in the prior year;

(iii) the market value for the prior reappraisal cycle;

(iv) if the market value has increased by more than 10%, an explanation for the increase in valuation;

(v) a statement that the notice is not a tax bill; and

(vi) a taxpayer option to request an informal classification and appraisal review by checking a box on the notice and returning it to the department.

(c) When the department uses an appraisal method that values land and improvements as a unit, including the sales comparison approach for residential condominiums or the income approach for commercial property, the notice must contain a combined appraised value of land and improvements.

(d) Any misinformation provided in the information required by subsection (1)(b) does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(2) (a) Except as provided in subsection (2)(c), the department shall assign each classification and appraisal to the correct owner or purchaser under contract for deed and mail or provide electronically the notice in written or electronic form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(c) The department is not required to mail or provide electronically the notice to a new owner or purchaser under contract for deed unless the department has received the realty transfer certificate from the clerk and recorder as provided in 15-7-304 and has processed the certificate before the notices required by subsection (2)(a) are mailed or provided electronically. The department shall notify the county tax appeal board of the date of the mailing or the date when the taxpayer is informed the information is available electronically.

(3) (a) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market value of the property as determined by the department or with the classification of the land or improvements, the owner may request an informal classification and appraisal review by submitting an objection on written or electronic forms provided by the department for that purpose or by checking a box on the notice and returning it to the department in a manner prescribed by the department.

(i) For property other than class three property described in 15-6-133, class four property described in 15-6-134, class ten property described in 15-6-143, and centrally assessed property described in 15-23-101, the objection must be submitted within 30 days from the date on the notice.

(ii) For class three property described in 15-6-133, class four property described in 15-6-134, and class ten property described in 15-6-143, the objection may be made only once each valuation cycle. An objection must be made in writing or by checking a box on the notice within 30 days from the date on the classification and appraisal notice for a reduction in the appraised value to be considered for both years of the 2-year valuation cycle. An objection made more than 30 days from the date of the classification and appraisal notice will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to the second year of the valuation cycle, the taxpayer shall make the objection in writing or by checking a box on the notice no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is received in the second year of the valuation cycle, within 30 days from the date on the notice.

(iii) For centrally assessed property described in 15-23-101(2)(a), the objection must be submitted within 20 days from the date on the notice. A taxpayer may submit an objection up to 10 days after this deadline on request to the department.

(iv) (A) For centrally assessed property described in 15-23-101(2)(b) and (2)(c), an objection to the valuation or classification may be made only once each valuation cycle. An objection must be made in writing within the time period specified in subsection (3)(a)(iii) for a reduction in the appraised value to be considered for both years of the 2-year valuation cycle. An objection made after the deadline specified in subsection (3)(a)(iii) will be applicable only

for the second year of the 2-year valuation cycle. For an objection to apply to the second year of the valuation cycle, the taxpayer shall make the objection in writing no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is received in the second year of the valuation cycle, within the time period specified in subsection (3)(a)(iii).

(B) If a property owner has exhausted the right to object to a valuation, as provided for in subsection (3)(a)(iv)(A), the property owner may ask the department to consider extenuating circumstances to adjust the value of property described in 15-23-101(2)(b) or (2)(c). Occurrences that may result in an adjustment to the value include but are not limited to extraordinary, unusual, or infrequent events that are material in nature and of a character different from the typical or customary business operations, that are not expected to recur frequently, and that are not normally considered in the evaluation of the operating results of a business, including bankruptcies, acquisitions, sales of assets, or mergers.

(b) If the objection relates to residential or commercial property and the objector agrees to the confidentiality requirements, the department shall provide to the objector, by posted mail or electronically, within 8 weeks of submission of the objection, the following information:

(i) the methodology and sources of data used by the department in the valuation of the property; and

(ii) if the department uses a blend of evaluations developed from various sources, the reasons that the methodology was used.

(c) At the request of the objector or a representative of the objector, and only if the objector or representative signs a written or electronic confidentiality agreement, the department shall provide in written or electronic form:

(i) comparable sales data used by the department to value the property;

(ii) sales data used by the department to value residential property in the property taxpayer's market model area; and

(iii) if the cost approach was used by the department to value residential property, the documentation required in 15-8-111(3) regarding why the comparable sales approach was not reliable.

(d) For properties valued using the income approach as one approximation of market value, notice must be provided that the taxpayer will be given a form to acknowledge confidentiality requirements for the receipt of all aggregate model output that the department used in the valuation model for the property.

(e) The review must be conducted informally and is not subject to the contested case procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual selling price of the property and other relevant information presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The department shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was completed within 6 months of the valuation date pursuant to 15-8-201. If the department does not use the appraisal provided by the taxpayer in conducting the appeal, the department shall provide to the taxpayer the reason for not using the appraisal. The department shall give reasonable notice to the taxpayer of the time and place of the review.

(f) After the review, the department shall determine the correct appraisal and classification of the land or improvements and notify the taxpayer of its determination by mail or electronically. The department may not determine an appraised value that is higher than the value that was the subject of the objection unless the reason for an increase was the result of a physical change in the property or caused by an error in the description of the property or

data available for the property that is kept by the department and used for calculating the appraised value. In the notification, the department shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an appraisal or classification upon the taxpayer's objection unless:

(a) the taxpayer has submitted an objection on written or electronic forms provided by the department or by checking a box on the notice; and

(b) the department has provided to the objector by mail or electronically its stated reason in writing for making the adjustment.

(5) A taxpayer's written objection or objection made by checking a box on the notice and supplemental information provided by a taxpayer that elects to check a box on the notice to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. The department shall make the records available for inspection during regular office hours.

(6) Except as provided in 15-2-302 and 15-23-102, if a property owner feels aggrieved by the classification or appraisal made by the department after the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the department's determination. A county tax appeal board or the Montana tax appeal board may consider the actual selling price of the property, independent appraisals of the property, negative property features that differentiate the subject property from the department's comparable sales, and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the Montana tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order."

Section 17. Section 15-15-101, MCA, is amended to read:

"**15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and with the members to serve staggered terms of 3 years each. The members of each county tax appeal board must be residents of the county in which they serve. A person may not be a member of a county tax appeal board if the person was an employee of the department less than 36 months before the date of appointment.

(2) (a) The members receive compensation as provided in subsection (2)(b) and travel expenses, as provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the Montana tax appeal board. Travel expenses and compensation must be paid from the appropriation to the Montana tax appeal board.

(b) (i) The daily compensation for a member is as follows:

(A) $45 for 4 hours of work or less; and

(B) $90 for more than 4 hours of work.

(ii) For the purpose of calculating work hours in this subsection (2)(b), work includes hearing tax appeals, deliberating with other board members, and attending meetings called by the Montana tax appeal board.

(3) Office space and equipment for the county tax appeal boards must be furnished by the county. All other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

(4) The county tax appeal board shall hold an organizational meeting each year on the date of its first scheduled hearing, immediately before conducting the business for which the hearing was otherwise scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the board. The county tax appeal board shall continue in session from July 1 of the current tax year until December 31 of the current tax year to hear protests concerning assessments made by the department until the business of hearing protests is disposed of and may meet after December 31 to hear an appeal at the discretion of the county tax appeal board.

(5) In counties that have appointed more than three members to the county tax appeal board, only three members shall hear each appeal. The presiding officer shall select the three members hearing each appeal.

(6) In connection with an appeal, the county tax appeal board may change any assessment or fix the assessment at some other level *and determine eligibility for the homestead reduced tax rate provided for in [section 6] or the rental property reduced tax rate provided for in [section 7]*. Upon notification by the county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers, giving the time the county tax appeal board will be in session to hear scheduled protests concerning assessments and the latest date the county tax appeal board may take applications for the hearings. The notice must be published in a newspaper if any is printed in the county or, if none, then in the manner that the county tax appeal board directs. The notice must be published by May 15 of the current tax year.

(7) Challenges to a department rule governing the assessment of property or to an assessment procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in 15-1-406."

Section 18. Section 15-15-102, MCA, is amended to read:

"**15-15-102. Application for reduction in valuation -- *reduced tax rate.*** (1) The *county tax appeal board may not reduce the* valuation of property ~~may not be reduced by the county tax appeal board~~ *or review eligibility for the homestead reduced tax rate provided for in [section 6] or the rental property reduced tax rate provided for in [section 7]* unless either the taxpayer or the taxpayer's agent makes and files a written application for reduction with the county tax appeal board.

(2) The application ~~for reduction~~ may be obtained at the local appraisal office or from the county tax appeal board. The completed application must be submitted to the county clerk and recorder. The date of receipt is the date stamped on the appeal form by the county clerk and recorder upon receipt of the form. The county tax appeal board is responsible for obtaining the applications from the county clerk and recorder.

(3) One application ~~for reduction~~ may be submitted during each valuation cycle. The application must be submitted within the time periods provided for in 15-7-102(3)(a) *and [section 9]*.

(4) A taxpayer who receives an informal review by the department of revenue as provided in 15-7-102(3)(a)(i) and (3)(a)(ii) *or [section 9]* may appeal the decision of the department of revenue to the county tax appeal board as provided in 15-7-102(6). The taxpayer may not file a subsequent application for reduction for the same property with the county tax appeal board during the same valuation cycle.

(5) If the department's determination after review is not made in time to allow the county tax appeal board to review the matter during the current tax year, the appeal must be reviewed during the next tax year, but the decision by the county tax appeal board is effective for the year in which the request for review was filed with the department. The application must state the post-office address of the applicant, specifically describe the property involved, and state the facts upon which it is claimed the reduction should be made."

Section 19. Section 15-15-103, MCA, is amended to read:

"**15-15-103. Examination of applicant -- failure to hear application.** (1) Before the county tax appeal board grants any application or makes any reduction applied for, it shall examine on oath the person or agent making the application with regard to the value of the property of the person *or eligibility for the homestead reduced tax rate provided for in [section 6] or the rental property reduced tax rate provided for in [section 7]*. A reduction may not be made unless the applicant makes an application, as provided in 15-15-102, and attends the county board hearing. An appeal of the county board's decision may not be made to the Montana tax appeal board unless the person or the person's agent has exhausted the remedies available through the county board. In order to exhaust the remedies, the person or the person's agent shall attend the county board hearing. On written request by the person or the person's agent and on the written concurrence of the department, the county board may waive the requirement that the person or the person's agent attend the hearing. The testimony of all witnesses at the hearing and the deliberation of the county tax appeal board in rendering a decision must be electronically recorded and preserved for 1 year. If the decision of the county board is appealed, the record of the proceedings, including the electronic recording of all testimony and the deliberation of the county tax appeal board, must be forwarded, together with all exhibits, to the Montana board. The date of the hearing, the proceedings before the county board, and the decision must be entered upon the minutes of the county board, and the county board shall notify the applicant of its decision by mail within 3 days. A copy of the minutes of the county board must be transmitted to the Montana board no later than 3 days after the county board holds its final hearing of the year.

(2) (a) Except as provided in 15-15-201, if a county board refuses or fails to hear a taxpayer's timely application for a reduction in valuation of property *or eligibility for a reduced tax rate*, the taxpayer's application is considered to be granted on the day following the county board's final meeting for that year. The department shall enter the appraisal*,* ~~or~~ classification*, or tax rate* sought in the application in the property tax record. An application is not automatically granted for the following appeals:

(i) those listed in 15-2-302(1); and

(ii) if a taxpayer's appeal from the department's determination of classification or appraisal made pursuant to 15-7-102 was not received in time, as provided for in 15-15-102, to be considered by the county board during its current session.

(b) The county board shall provide written notification of each application that was automatically granted pursuant to subsection (2)(a) to the department, the Montana board, and any affected municipal corporation. The notice must include the name of the taxpayer and a description of the subject property.

(3) The county tax appeal board shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was conducted within 6 months of the valuation date. If the county tax appeal board does not use the

appraisal provided by the taxpayer in conducting the appeal, the county board shall provide to the taxpayer the reason for not using the appraisal."

Section 20. Section 15-16-101, MCA, is amended to read:

"**15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the receipt of the property tax record, the county treasurer shall publish a notice specifying:

(a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount then due will be delinquent and will draw interest at the rate of 5/6 of 1% a month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty;

(b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the rate of 5/6 of 1% a month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty; and

(c) the time and place at which payment of taxes may be made.

(2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice, postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due and delinquent for other years. The written notice must include:

(i) the taxable value of the property;

(ii) the total mill levy applied to that taxable value;

(iii) itemized city services and special improvement district assessments collected by the county;

(iv) the number of the school district in which the property is located;

(v) the amount of the total tax due itemized by mill levy that is levied as city tax, county tax, state tax, school district tax, and other tax;

(vi) an indication of which mill levies are voted levies, including voted levies to impose a new mill levy, to increase a mill levy that is required to be submitted to the electors, or to exceed the mill levy limit provided for in 15-10-420;

(vii) except as provided in subsection (2)(c), an itemization of the taxes due for each mill levy and a comparison to the amount due for each mill levy in the prior year; and

(viii) a notice of the availability of all the property tax assistance programs available to property taxpayers, including the intangible land value assistance program provided for in 15-6-240, the property tax assistance programs under Title 15, chapter 6, part 3, *the homestead reduced tax rate provided for in [section 6], the rental property reduced tax rate provided for in [section 7],* and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341.

(b) If a tax lien is attached to the property, the notice must also include, in a manner calculated to draw attention, a statement that a tax lien is attached to the property, that failure to respond will result in loss of property, and that the taxpayer may contact the county treasurer for complete information.

(c) The information required in subsection (2)(a)(vii) may be posted on the county treasurer's website instead of being included on the written notice.

(3) The municipality shall, upon request of the county treasurer, provide the information to be included under subsection (2)(a)(iii) ready for mailing.

(4) The notice in every case must be given as provided in 7-1-2121. Failure to publish or post notices does not relieve the taxpayer from any tax liability.

Any failure to give notice of the tax due for the current year or of delinquent tax will not affect the legality of the tax.

(5) If the department revises an assessment that results in an additional tax of $5 or less, an additional tax is not owed and a new tax bill does not need to be prepared."

Section 21. Section 15-17-125, MCA, is amended to read:

"**15-17-125. Attachment of tax lien and preparation of tax lien certificate.** (1) (a) The county treasurer shall attach a tax lien no later than the first working day in August to properties on which the taxes are delinquent and for which proper notification was given as provided in 15-17-122 and subsection (4) of this section. Upon attachment of a tax lien, the county is the possessor of the tax lien unless the tax lien is assigned pursuant to 15-17-323.

(b) The county treasurer may not attach a tax lien to a property on which taxes are delinquent but for which proper notice was not given.

(2) After attaching a tax lien, the county treasurer shall prepare a tax lien certificate that must contain:

(a) the date on which the property taxes became delinquent;

(b) the date on which a property tax lien was attached to the property;

(c) the name and address of record of the person to whom the taxes were assessed;

(d) a description of the property on which the taxes were assessed;

(e) a separate listing of the amount of the delinquent taxes, penalties, interest, and costs;

(f) a statement that the tax lien certificate represents a lien on the property that may lead to the issuance of a tax deed for the property;

(g) a statement specifying the date on which the county or an assignee will be entitled to a tax deed; and

(h) an identification number corresponding to the tax lien certificate.

(3) The tax lien certificate must be signed by the county treasurer. A copy of the tax lien certificate must be filed by the treasurer in the office of the county clerk. A copy of the tax lien certificate must also be mailed to the person to whom the taxes were assessed, at the address of record, together with a notice that the person may contact the county treasurer for further information on property tax liens.

(4) Prior to attaching a tax lien to the property, the county treasurer shall send notice of the pending attachment of a tax lien to the person to whom the property was assessed. The notice must include the information listed in subsection (2), state that the tax lien may be assigned to a third party, and provide notice of the availability of all the property tax assistance programs available to property taxpayers, including the property tax assistance programs under Title 15, chapter 6, part 3, *the homestead reduced tax rate provided for in [section 6], the rental property reduced tax rate provided for in [section 7],* and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341. The notice must have been mailed at least 2 weeks prior to the date on which the county treasurer attaches the tax lien.

(5) The county treasurer shall file the tax lien certificate with the county clerk and recorder."

Section 22. Section 15-30-2120, MCA, is amended to read:

"**15-30-2120. Adjustments to federal taxable income to determine Montana taxable income.** (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest except to the extent already included in federal taxable income;

(b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(c) depreciation or amortization taken on a title plant as defined in 33-25-105;

(d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661;

(g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family residence;

(i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction claimed;

(j) for an individual taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c); and

(k) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C 164(a)(3).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2) and (3)(b) through ~~(3)(o)~~ *(3)(p)*;

(b) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(c) (i) salary received from the armed forces by residents of Montana who are serving on active duty in the regular armed forces and who entered into active duty from Montana;

(ii) the salary received by residents of Montana for active duty in the national guard. For the purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(A) Title 10, U.S.C.; or

(B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation.

(iii) the amount received by a beneficiary pursuant to 10-1-1201; and

(iv) all payments made under the World War I bonus law, the Korean bonus law, and the veterans' bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law, Korean bonus law, and the veterans' bonus law is considered an overpayment and must be refunded upon the filing of an amended return and a verified claim for refund on forms prescribed by the department in the same manner as other income tax refund claims are paid.

(d) annual contributions and income in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(e) contributions or earnings withdrawn from a family education savings account provided for in Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified education expenses, as defined in 15-62-103, of a designated beneficiary;

(f) interest and other income related to contributions that were made prior to January 1, 2024, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(g) for each taxpayer that has attained the age of 65, an additional subtraction of $5,500;

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to 15-30-3104;

(i) a payment received by a private landowner for providing public access to public land pursuant to Title 76, chapter 17, part 1;

(j) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not previously allowed as a deduction for Montana income tax purposes;

(k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(l) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163;

(m) payments from the Montana end of watch trust as provided in 2-15-2041;

(n) (i) subject to subsection (9), a portion of military pensions or military retirement income as calculated pursuant to subsection (8) that is received by a retired member of:

(A) the armed forces of the United States, as defined in 10 U.S.C. 101;

(B) the Montana army national guard or the army national guard of other states;

(C) the Montana air national guard or the air national guard of other states; or

(D) a reserve component, as defined in 38 U.S.C. 101, of the United States armed forces; and

(ii) subject to subsection (9), up to 50% of all income received as survivor benefits for military service provided for in subsection (3)(n)(i)(A) through (3)(n)(i)(D); ~~and~~

(o) the amount of the property tax rebate received under 15-1-2302*; and*

(p) the amount of the property tax rebate received under [section 3].

(4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's business deductions:

(i) by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken; or

(ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to deduct the amount of the business expense paid when there is no corresponding state income tax credit or deduction, regardless of the credit taken.

(b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or business expenses were used to compute the credit. In the case of a partnership or small business corporation, the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (5)(a) applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced federal taxable income.

(b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for in 15-62-208.

(6) (a) An individual who contributes to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained by another state may reduce taxable income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

(b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in 53-25-118.

(7) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for that tax year, rounding the result to the nearest $10. The resulting amount is effective for that tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g).

(8) (a) Subject to subsection (9), the subtraction in subsection (3)(n)(i) is equal to the lesser of:

(i) the amount of Montana source wage income on the return; or

(ii) 50% of the taxpayer's military pension or military retirement income.

(b) For the purposes of subsection (8)(a)(i), "Montana source wage income" means:

(i) wages, salary, tips, and other compensation for services performed in the state;

(ii) net income from a trade, business, profession, or occupation carried on in the state; and

(iii) net income from farming activities carried on in the state.

(9) The subtractions in subsection (3)(n):

(a) may only be claimed by a person who:

(i) becomes a resident of the state after June 30, 2023; or

(ii) was a resident of the state before receiving military pension or military retirement income and remained a resident after receiving military pension or military retirement income;

(b) may only be claimed for 5 consecutive years after satisfying the provisions of subsection (9)(a); and

(c) are not available if a taxpayer claimed the exemption before becoming a nonresident. (Subsection (3)(o) terminates June 30, 2025--sec. 10, Ch. 47, L. 2023; subsections (3)(n), (8), and (9) terminate December 31, 2033--sec. 4, Ch. 650, L. 2023.)"

Section 23. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; *[section 3]; [section 24];* 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617;

20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 24. Refund for failure to claim homestead reduced tax rate -- statutory appropriation. (1) A property owner who was eligible for

the homestead reduced tax rate provided for in [section 6], but who failed to file an application to claim the homestead reduced tax rate may receive a refund as provided in this section.

(2) To claim a refund under this section, a property owner shall file an informal appeal with the department of revenue by May 31 of the year after the property owner did not receive the homestead reduced tax rate. The refund may only be claimed for 1 year.

(3) If the department determines the property owner is eligible for a refund under this section, the department shall calculate the difference between property taxes paid and property taxes that would have been due if the property owner received the homestead reduced tax rate in the prior year.

(4) The department shall issue a refund to the property owner of the amount calculated pursuant to subsection (3).

(5) The payment of property tax refunds under this section is statutorily appropriated, as provided in 17-7-502, from the general fund to the department of revenue for distribution to taxpayers.

Section 25. Codification instruction. (1) [Sections 1 through 3] are intended to be codified as an integral part of Title 15, chapter 1, and the provisions of Title 15, chapter 1, apply to [sections 1 through 3].

(2) [Sections 4 through 10 and 24] are intended to be codified as an integral part of Title 15, chapter 6, and the provisions of Title 15, chapter 6, apply to [sections 4 through 10 and 24].

(3) [Section 11] is intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [section 11].

Section 26. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 27. Effective dates -- contingency. (1) Except as provided in subsections (2) and (3), [this act] is effective on passage and approval

(2) [Sections 5 through 10, 15 through 21, and 24] are effective January 1, 2026.

(3) [Sections 11 and 12] are effective on the date that the department of revenue certifies to the code commissioner that a court of final disposition finds that [section 4] is invalid. The department of revenue shall submit certification within 30 days of the occurrence of the contingency.

Section 28. Applicability -- retroactive applicability. (1) Except as provided in subsection (2), [this act] applies retroactively, within the meaning of 1-2-109, to the property tax year beginning after December 31, 2024.

(2) [Sections 5 through 10, 15 through 21, and 24] apply to property tax years beginning after December 31, 2025.

Section 29. Termination. (1) [Section 14] terminates December 31, 2025.

(2) [Sections 1 through 3 and 22] and the inclusion of "[section 3]" in [section 23] terminate June 30, 2026.

Section 30. Coordination instruction. If House Bill No. 528 and [this act] are both passed and approved, then House Bill No. 528 is void.

Section 31. Contingent termination. [Sections 11 and 12] terminate on the date that the department of revenue certifies to the code commissioner that the reimbursements authorized pursuant to [section 11] have been completed. The department of revenue shall submit certification within 30 days of the occurrence of the contingency.

Approved May 13, 2025

CHAPTER NO. 768

[HB 810]

AN ACT REVISING RENTAL LAWS; SPECIFYING ACCEPTABLE FORMS OF PAYMENT; PROHIBITING ADDITIONAL FEES BASED ON RENT PAYMENT TYPE EXCEPT TO RECOUP AN ELECTRONIC BANK FEE INCURRED FOR ELECTRONIC PAYMENT; PROVIDING A DEFINITION; AMENDING SECTIONS 70-24-103, 70-24-201, 70-33-103, AND 70-33-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 70-24-103, MCA, is amended to read:

"**70-24-103. General definitions.** Subject to additional definitions contained in subsequent sections and unless the context otherwise requires, in this chapter the following definitions apply:

(1) "Abandon" means to give up possession of the premises unless the landlord does not accept abandonment or surrender as provided in 70-24-426 or unless the rental agreement has been terminated as provided by law.

(2) "Action" includes recoupment, counterclaim, setoff suit in equity, and any other proceeding in which rights are determined, including an action for possession.

(3) "Actual and reasonable cost" means the actual amount of expenses and labor incurred or expended and the reasonable amount of expenses and labor estimated to be incurred or expended.

(4) "Case of emergency" means an extraordinary occurrence beyond the tenant's control requiring immediate action to protect the premises or the tenant. A case of emergency may include the interruption of essential services, including heat, electricity, gas, running water, hot water, and sewer and septic system service, or life-threatening events in which the tenant or landlord has reasonable apprehension of immediate danger to the tenant or others.

(5) "Court" means the appropriate district court, small claims court, justice's court, or city court.

(6) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by a person who maintains a household or by two or more persons who maintain a common household. Dwelling unit, in the case of a person who rents space in a mobile home park and rents the mobile home, means the mobile home itself.

(7) "Good faith" means honesty in fact in the conduct of the transaction concerned.

(8) "Guest" means a person staying with a tenant for a temporary period of time as defined in the rental agreement or, if not defined in the rental agreement, for a period of time no more than 7 days unless the tenant has received the landlord's written consent to a longer period of time.

(9) "Landlord" means:

(a) the owner of the dwelling unit or the building of which it is a part;

(b) a person who has written authorization from the owner to act as the owner's agent or assignee for purposes related to the premises or the rental agreement;

(c) a person who has written authorization from the owner to act as a manager of the premises for the purposes of the tenancy or the rental agreement; or

(d) a lessor who has written authorization from the owner of the premises to sublease the premises.

(10) "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, or partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(11) "Owner" means one or more persons, jointly or severally, in whom is vested all or part of:

(a) the legal title to property; or

(b) the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.

(12) "Person" includes an individual or organization.

(13) "Premises" means a dwelling unit and the structure of which it is a part, the facilities and appurtenances in the structure, and the grounds, areas, and facilities held out for the use of tenants generally or promised for the use of a tenant.

(14) "Rent" means all payments to be made to the landlord, including rent, late fees, or other charges as agreed on in the rental agreement, except money paid as a security deposit.

(15) "Rent payment type" means all forms of payment types, including:

(a) cash;

(b) check;

(c) electronic; or

(d) other forms agreed on in the rental agreement that must comply with 70-24-203.

~~(15)~~*(16)* "Rental agreement" means all agreements, written or oral, and valid rules adopted under 70-24-311 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

~~(16)~~*(17)* "Roomer" means a person occupying a dwelling unit that does not include a toilet, a bathtub or a shower, a refrigerator, a stove, or a kitchen sink, all of which are provided by the landlord and one or more of which are used in common by occupants in the structure.

~~(17)~~*(18)* "Single-family residence" means a structure maintained and used as a single dwelling unit. A dwelling unit that shares one or more walls with another dwelling unit is a single-family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment, or any other essential facility or service with another dwelling unit.

~~(18)~~*(19)* "Tenant" means:

(a) a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others; or

(b) a person who, with the written approval of the landlord and pursuant to the rental agreement, has a sublease agreement with the person who is entitled to occupy the dwelling unit under the rental agreement.

~~(19)~~*(20)* "Unauthorized person or trespasser" means a person who:

(a) enters or remains after being asked to leave by the landlord and does not receive written permission by the landlord to remain on the premises;

(b) is in violation of 45-6-201;

(c) is in violation of 45-6-203; or

(d) is in violation of 70-27-102."

Section 2. Section 70-24-201, MCA, is amended to read:

"**70-24-201. Rental agreement -- terms and conditions.** (1) A landlord and a tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule or law, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties.

(2) Unless the rental agreement provides otherwise:

(a) the tenant shall pay as rent the rental value for the use and occupancy of the dwelling unit as determined by the landlord;

(b) rent is payable at the landlord's address or using electronic funds transfer to an account designated for the payment of rent by the landlord;

(c) periodic rent is payable at the beginning of a term of a month or less and otherwise in equal monthly installments at the beginning of each month;

(d) rent is uniformly apportionable from day to day;

(e) the tenancy is week to week in the case of a roomer who pays weekly rent and in all other cases month to month; and

(f) if either party terminates the rental agreement without cause prior to the expiration date of the lease term, the aggrieved party is entitled to monetary damages up to 1 month's rent or an amount that is agreed on in the rental agreement, which may not exceed 1 month's rent. Landlords shall follow 70-24-426(3) and are entitled to rent from defaulting tenants up to the date a new tenancy starts or the date the rental agreement term expires.

(3) Rent is payable without demand or notice at the time and place agreed upon by the parties or provided for by subsection (2).

(4) A landlord may not charge an additional fee based on rent payment type except to recoup an electronic bank fee incurred for electronic payment."

Section 3. Section 70-33-103, MCA, is amended to read:

"**70-33-103. Definitions.** Unless the context clearly requires otherwise, in this chapter, the following definitions apply:

(1) "Abandon" means to give up possession of the premises unless the landlord does not accept abandonment or surrender as provided in 70-33-426 or unless the rental agreement has been terminated as provided by law.

(2) "Action" includes recoupment, counterclaim, setoff suit in equity, and any other proceeding in which rights are determined, including an action for possession.

(3) "Actual and reasonable cost" means the actual amount of expenses and labor incurred or expended and the reasonable amount of expenses and labor estimated to be incurred or expended.

(4) "Case of emergency" means an extraordinary occurrence beyond the tenant's control requiring immediate action to protect the premises or the tenant. A case of emergency may include the interruption of essential services, including electricity, gas, running water, and sewer and septic system service, or life-threatening events in which the tenant or landlord has reasonable apprehension of immediate danger to the tenant or others.

(5) "Court" means the appropriate district court, small claims court, justice's court, or city court.

(6) "Good faith" means honesty in fact in the conduct of the transaction concerned.

(7) "Landlord" means:

(a) the owner of:

(i) space or land, including a lot, that is rented to a tenant for a mobile home; or

(ii) a mobile home park;

(b) a person who has written authorization from the owner to act as the owner's agent or assignee for purposes related to the premises or the rental agreement;

(c) a manager of the premises who fails to disclose the managerial position; or

(d) a lessor who has written authorization from the owner of the premises to sublease the premises.

(8) "Lot" means the space or land rented and not a mobile home itself.

(9) "Mobile home" has the same meaning as provided in 15-1-101 and includes manufactured homes as defined in 15-1-101.

(10) "Mobile home owner" means the owner of a mobile home entitled under a rental agreement to occupy a lot.

(11) "Mobile home park" means a trailer court as defined in 50-52-101.

(12) "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(13) "Person" includes an individual or organization.

(14) "Premises" means a lot and the grounds, areas, and facilities held out for the use of tenants generally or promised for the use of a tenant.

(15) "Rent" means all payments to be made to a landlord, including rent, late fees, or other charges as agreed on in the rental agreement, except money paid as a security deposit.

(16) "Rental agreement" means all agreements, written or oral, and valid rules adopted under 70-33-311 embodying the terms and conditions concerning the use and occupancy of the premises.

(17) "Rent payment type" means all forms of payment types, including:

(a) cash;

(b) check;

(c) electronic; or

(d) other forms agreed on in the rental agreement that must comply with 70-24-203.

~~(17)~~*(18)* "Tenant" means:

(a) a person entitled under a rental agreement to occupy a lot to the exclusion of others; or

(b) a person who, with the written approval of the landlord and pursuant to the rental agreement, has a sublease agreement with the person who is entitled to occupy the dwelling unit under the rental agreement.

~~(18)~~*(19)* "Unauthorized person or trespasser" means a person who:

(a) enters or remains after being asked to leave by the landlord and does not receive written permission by the landlord to remain on the premises;

(b) is in violation of 45-6-201;

(c) is in violation of 45-6-203; or

(d) is in violation of 70-27-102."

Section 4. Section 70-33-201, MCA, is amended to read:

"**70-33-201. Rental agreements.** (1) A landlord and a tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule or law.

(2) Unless the rental agreement provides otherwise:

(a) the tenant shall pay as rent the rental value for the use and occupancy of the lot as determined by the landlord;

(b) rent is payable at the landlord's address or using electronic funds transfer to an account designated for the payment of rent by the landlord;

(c) periodic rent is payable at the beginning of a term that is a month or less and otherwise in equal monthly installments at the beginning of each month;

(d) rent is uniformly apportionable from day to day;

(e) the tenancy is from month to month; and

(f) if either party terminates the rental agreement without cause prior to the expiration date of the lease term, the aggrieved party is entitled to monetary damages up to 1 month's rent or an amount that is agreed on in the rental agreement, which may not exceed 1 month's rent. Landlords shall follow

70-33-426(2) and are entitled to rent from defaulting tenants up to the date a new tenancy starts or the date the rental agreement term expires.

(3) Rent is payable without demand or notice at the time and place agreed upon by the parties or as provided by subsection (2).

(4) A landlord may not charge an additional fee based on rent payment type except to recoup an electronic bank fee incurred for electronic payment."

Section 5. Effective date. [This act] is effective on passage and approval.

Approved June 9, 2025

CHAPTER NO. 769

[HB 832]

AN ACT ESTABLISHING A PROVIDER TRAINING GRANT PROGRAM FOR POSTTRAUMATIC STRESS DISORDER THERAPIES; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Provider training grant program for posttraumatic stress disorder therapies -- reporting. (1) There is a posttraumatic stress disorder provider training grant program administered by the department of labor and industry. The purpose of the grant program is to fund training opportunities for health care providers in nonmedication therapy to treat posttraumatic stress disorder.

(2) The department shall award a grant to an entity to develop and operate a 2-year project. The grantee:

(a) must be selected through a competitive process established by the department;

(b) shall undertake community and stakeholder engagement for the planning process prior to the implementation of training;

(c) provide training to mental health professionals as defined in 37-39-102 in nonmedication therapy to treat posttraumatic stress disorder; and

(d) provide reporting on project outcomes as required by the department on a quarterly basis, which must include:

(i) the number of mental health professionals trained; and

(ii) the cost for each mental health professional trained.

(3) The department shall provide a report to the economic affairs interim committee by July 1 of each year until project completion.

Section 2. Appropriation. (1) There is appropriated $600,000 from the state general fund to the department of labor and industry for the biennium beginning July 1, 2025, for the purposes described in [section 1].

(2) The legislature intends that this is a one-time-only appropriation.

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved June 9, 2025

CHAPTER NO. 770

[SB 232]

AN ACT MODIFYING EXEMPTIONS UNDER THE MONTANA PROCUREMENT ACT; AMENDING SECTION 18-4-132, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 18-4-132, MCA, is amended to read:

"**18-4-132. Application.** (1) This chapter applies to:

(a) the expenditure of public funds irrespective of their source, including federal assistance money, by this state acting through a governmental body under any contract, except a contract exempted from this chapter by this section or by another statute;

(b) a procurement of supplies or services that is at no cost to the state and from which income may be derived by the vendor and to a procurement of supplies or services from which income or a more advantageous business position may be derived by the state; ~~and~~

(c) the disposal of state supplies*; and*

(d) the board of investments. The provisions of this subsection (1)(d) do not apply to the purchase of securities.

(2) This chapter or rules adopted pursuant to this chapter do not prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

(3) This chapter does not apply to:

(a) either grants or contracts between the state and its political subdivisions or other governments, except as provided in part 4;

(b) construction contracts;

~~(c) expenditures of or the authorized sale or disposal of equipment purchased with money raised by student activity fees designated for use by the student associations of the university system;~~

(c) expenditures of or the authorized sale or disposal of equipment purchased with money raised by student activity fees designated for use by the student associations of the university system;

~~(d)~~*(d)* contracts entered into by the Montana state lottery that have an aggregate value of less than $250,000;

~~(e)~~*(e)* contracts entered into by the state compensation insurance fund to procure insurance-related services;

~~(f)~~*(f)* ~~contracts with~~ *the employment of*:

(i) a registered professional engineer, surveyor, real estate appraiser, or registered architect;

(ii) a physician, dentist, pharmacist, or other medical, dental, or health care provider;

(iii) an expert witness hired for use in litigation, a hearings officer hired in rulemaking and contested case proceedings under the Montana Administrative Procedure Act, or an attorney as specified by executive order of the governor;

(iv) consulting actuaries;

(v) a private person contracted by the student associations of the university system with money raised from student activity fees designated for use by those student associations;

(vi) a private ~~person contracted~~ *consultant employed* by the Montana state lottery;

(vii) a private investigator licensed by any jurisdiction;

(viii) a claims adjuster; or

(ix) a court reporter appointed as an independent contractor under 3-5-601;

~~(g)~~*(g)* electrical energy purchase contracts by the university of Montana or Montana state university, as defined in 20-25-201. Any savings accrued by the university of Montana or Montana state university in the purchase or acquisition of energy must be retained by the board of regents of higher education for university allocation and expenditure.

~~(h)~~*(h)* the purchase or commission of art for a museum or public display;

~~(i)~~*(i)* contracting under 47-1-121 of the Montana Public Defender Act;

~~(j)~~*(j)* contracting under Title 90, chapter 4, part 11; or

~~(k)~~*(k)* contracting under Title 90, chapter 14, part 1.

(4) (a) Food products produced in Montana may be procured by either standard procurement procedures or by direct purchase. Montana-produced food products may be procured by direct purchase when:

(i) the quality of available Montana-produced food products is substantially equivalent to the quality of similar food products produced outside the state;

(ii) a vendor is able to supply Montana-produced food products in sufficient quantity; and

(iii) a bid for Montana-produced food products either does not exceed or reasonably exceeds the lowest bid or price quoted for similar food products produced outside the state. A bid reasonably exceeds the lowest bid or price quoted when, in the discretion of the person charged by law with the duty to purchase food products for a governmental body, the higher bid is reasonable and capable of being paid out of that governmental body's existing budget without any further supplemental or additional appropriation.

(b) The department shall adopt any rules necessary to administer the optional procurement exception established in this subsection (4).

(5) As used in this section, the following definitions apply:

(a) "Food" means articles normally used by humans as food or drink, including articles used for components of articles normally used by humans as food or drink.

(b) "Produced" means planted, cultivated, grown, harvested, raised, collected, processed, or manufactured."

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

Approved June 9, 2025

CHAPTER NO. 771

[HB 368]

AN ACT PROVIDING ACCESS TO WATER FOR AN ATTENDANT CITY OR TOWN; CREATING THE TOWN OF COLSTRIP WATER INFRASTRUCTURE MITIGATION ACCOUNT; AND AMENDING SECTION 15-35-108, MCA.

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

Section 1. Town of Colstrip water infrastructure mitigation account. (1) There is a town of Colstrip water infrastructure mitigation account within the state special revenue fund established in 17-2-102.

(2) There must be deposited in the account money allocated pursuant to 15-35-108(11).

(3) Money deposited in the account must be transferred to the town of Colstrip and may be used to pay for costs to ensure a water supply is available to the town if the proximate coal-fired generating unit closes or retires, and the town is unable to access a water supply.

(4) The department shall review this account every 10 years to confirm the funding level remains sufficient to meet the purposes of this section. The department shall report its finding to the economic affairs interim committee in accordance with 5-11-210.

Section 2. Section 15-35-108, MCA, is amended to read:

"**15-35-108. (Temporary) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the major repair long-range building program account established in 17-7-221.

(3) The amount of 0.90% in fiscal year 2020 and 0.93% in fiscal year 2021 and in each fiscal year thereafter must be allocated for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking and must be deposited in the basic library services account established in 22-1-202.

(4) The amount of 3.77% in fiscal year 2020 and 3.71% in fiscal year 2021 and in each fiscal year thereafter must be allocated to the department of natural resources and conservation for conservation districts and deposited in the conservation district account established in 76-15-106.

(5) The amount of 0.79% in fiscal year 2020 and 0.82% in fiscal year 2021 and in each fiscal year thereafter must be allocated to the Montana Growth Through Agriculture Act and deposited in the growth through agriculture account established in 90-9-104.

(6) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(7) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(8) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(9) The amount of 5.8% must be credited to the coal natural resource account established in 90-6-1001(2).

(10) After the allocations are made under subsections (2) through (9), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(11) After the allocations are made under subsections (2) through (10), $2 million for the fiscal year must be credited to the town of Colstrip water infrastructure mitigation account established in [section 1].

~~(11)~~*(12)* (a) Subject to subsection ~~(11)(b)~~ *(12)(b)*, all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on July 1 each year as follows:

(i) to the department of agriculture:

(A) $65,000 for the cooperative development center;

(B) $900,000 for the growth through agriculture program provided for in Title 90, chapter 9;

(C) $600,000 for the Montana food and agricultural development program provided for in Title 80, chapter 11;

(ii) to the department of commerce:

(A) $325,000 for a small business development center;

(B) $50,000 for a small business innovative research program;

(C) $625,000 for certified regional development corporations;

(D) $500,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) $300,000 for export trade enhancement. (Terminates June 30, 2027--secs. 13, 15, 18, Ch. 343, L. 2019.)

15-35-108. (Effective July 1, 2027) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the major repair long-range building program account established in 17-7-221.

(3) The amount of 0.90% in fiscal year 2020 and 0.93% in fiscal year 2021 and in each fiscal year thereafter must be allocated for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking and must be deposited in the basic library services account established in 22-1-202.

(4) The amount of 3.77% in fiscal year 2020 and 3.71% in fiscal year 2021 and in each fiscal year thereafter must be allocated to the department of natural resources and conservation for conservation districts and deposited in the conservation district account established in 76-15-106.

(5) The amount of 0.79% in fiscal year 2020 and 0.82% in fiscal year 2021 and in each fiscal year thereafter must be allocated to the Montana Growth Through Agriculture Act and deposited in the growth through agriculture account established in 90-9-104.

(6) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(7) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(8) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(9) The amount of 5.8% must be credited to the coal natural resource account established in 90-6-1001(2).

(10) After the allocations are made under subsections (2) through (9), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(11) After the allocations are made under subsections (2) through (10), $2 million for the fiscal year must be credited to the town of Colstrip water infrastructure mitigation account established in [section 1].

~~(11)~~*(12)* All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state."

Approved June 16, 2025

CHAPTER NO. 772

[HB 4]

AN ACT APPROPRIATING MONEY THAT WOULD USUALLY BE APPROPRIATED BY BUDGET AMENDMENT TO VARIOUS STATE AGENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 2025; PROVIDING THAT CERTAIN APPROPRIATIONS CONTINUE INTO STATE AND FEDERAL FISCAL YEARS 2026 AND 2027; PROVIDING FOR TRANSFERS OF FUNDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Time limits. The appropriations contained in [section 2] are intended to provide necessary expenditures for the years for which the appropriations are made. The unspent balance of an appropriation reverts to the fund from which it was appropriated on conclusion of the final fiscal year for which its expenditures are authorized by [section 2] and this section.

Section 2. Appropriations. The following money is appropriated, subject to the terms and conditions of [section 1] and this section:

Agency and Program

JUDICIARY

Supreme Court Operations

Montana community justice workers	Fiscal Year 2025	$290,750	Federal
Montana justice institute	Fiscal Year 2025	$30,560	Federal

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Montana justice institute

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2023 adult treatment court
- Fiscal year 2024 adult treatment court
- Montana community justice workers

GOVERNOR'S OFFICE

Office of Budget and Program Planning

All remaining fiscal year 2025 federal budget amendment authority for the expires on [10 days after the effective date of this act]:

- 31 CFR, part 35

All remaining House Bill No. 632 appropriations of federal ARPA funds, excluding interest earned on ARPA funds, are authorized to continue into state fiscal year 2027.

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- American Rescue Plan Act's emergency assistance to non-public schools program

SECRETARY OF STATE

Business and Government Services

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Help America Vote Act Elections Security Grant

OFFICE OF PUBLIC INSTRUCTION

State Level Activities

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Elementary and secondary schools emergency relief fund
- American Rescue Plan Act for homeless children and youth

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Farm-to-school grants
- Alternative student testing program

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Assessment for middle school science

DEPARTMENT OF JUSTICE

Legal Services Division

Johnson and Johnson Settlement

Fiscal Year 2025 $3,537,516 State Special

All remaining fiscal year 2025 state budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Prescription drug prevention
- Johnson and Johnson settlement

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Upper Blackfoot mining complex operation and maintenance

Montana Highway Patrol

Law enforcement dispatch services for Montana patrol

Fiscal Year 2025 $13,905 Federal

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- High intensity drug trafficking areas program
- Law enforcement dispatch services for Montana patrol

Division of Criminal Investigation

Missouri River drug task force high intensity drug trafficking area

Fiscal Year 2025 $5,486 Federal

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- High intensity drug trafficking areas program
- Russell Country drug task force high intensity drug trafficking area
- Internet crimes against children task force program
- State and local overtime reimbursements
- Missouri River drug task force high intensity drug trafficking area

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Billings office task force
- Fiscal year 2023 national sexual assault kit initiative

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Enhance state victim compensation payments
- Fiscal year 2024 support for Adam Walsh Act implementation

Board of Crime Control

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- State crisis intervention program formula solicitation

Forensic Science Division

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2023 national sexual assault kit initiative
- DNA capacity enhancement for backlog reduction program
- Fiscal year 2024 competitive DNA capacity enhancement for backlog reduction program

MONTANA ARTS COUNCIL
Promotion of the Arts
All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into state fiscal year 2026:
- Promotion of the arts partnership agreements

LIBRARY COMMISSION
Statewide Library Resources
Managing current and comprehensive biodiversity information
Fiscal Year 2025 $201,394 Federal
Biocultural restoration within the Crown of the Continent
Fiscal Year 2025 $134,000 Federal
All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into state fiscal year 2026:
- Montana natural heritage program
- North American bat monitoring program

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2026:
- Creating improved conservation planning through development, archiving, and distribution of geographic information system in the state

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into state fiscal year 2027:
- Citizen botany program

All remaining fiscal year 2025 federal budget amendment authority for the following is authorized to continue into federal fiscal year 2027:
- State library supplemental award
- Managing current and comprehensive biodiversity information
- Custer Gallatin National Forest raptor survey and monitoring
- Assessment of occurrence, range, and habitat of the northern long-eared bat and tricolored bat
- Northern long-eared bat presence, range, and distribution
- Biocultural restoration within the Crown of the Continent

MONTANA HISTORICAL SOCIETY
Administration Program
New Heritage Center Fiscal Year 2025 $600,000 Federal
Library & Archives
Upgrades to the mechanical system
Fiscal Year 2025 $349,978 Federal
State Historic Preservation Office
All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:
- Documenting Montana's Chinese American historic sites

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:
- Historic preservation fund grants

DEPARTMENT OF FISH, WILDLIFE, AND PARKS
Fisheries Division
Trout fishery evaluation for southwest Montana
Fiscal Year 2025 $422,877 Federal
Western pearlshell genetic analysis
Fiscal Year 2025 $128,933 Federal
Murray Springs Fish Hatchery
Fiscal Year 2025 $367,876 Federal
All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Statewide fish habitat planning
- Western pearlshell genetic analysis

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Upper Missouri pallid sturgeon telemetry
- Trout fishery evaluation for southwest Montana
- Murray Springs fish hatchery

Wildlife Division

White Noise Syndrome Surveillance

Fiscal Year 2025 $50,000 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Forest legacy program administration funding
- Grizzly bear management assistance
- Kootenai River operational loss assessment
- White Noise Syndrome Surveillance

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Legacy administration

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Cooperative weed management
- Evaluating habitat carnivore abundance and elk vital rates in Pilgrim Creek

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Game bird hunters' opportunity expansion
- Habitat conservation leases
- Northern continental divide ecosystem grizzly bear monitoring
- Large mammal monitoring in northwest Montana
- Adaptive management of bighorn sheep and mountain goats
- Marten monitoring study
- Evaluating contact risk between wild and domestic sheep
- Landscape connectivity

Parks and Outdoor Recreation Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Ethnographic research and preliminary report

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Smith River corridor management

Capital Outlay

Sportsman's Bridge FAS development

Fiscal Year 2025 $738,057 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Great outdoors conservation legacy project
- Sportsman's Bridge FAS development

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Pre-preservation planning for Pictograph Cave state park
- Upper Thompson connectivity project
- Upper Thompson connectivity legacy project
- Montana great outdoors legacy project phase 2

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Habitat conservation leases

Communication and Education Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Preventing the introduction and spread of aquatic invasive species

Administration

Wildlife surveys on the Flathead Indian Reservation

Fiscal Year 2025 $90,000 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Wildlife surveys on the Flathead Indian Reservation

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Landowner-led carnivore conflict reduction in western Montana

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Fiscal year 2023 water management planning supplemental grant
- Fiscal year 2021 nonpoint source project grant
- 2023-2025 106 monitoring initiative grant
- Fiscal year 2024 water quality management planning base grant

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2025 water quality management planning base grant
- Water quality management planning supplemental grant

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Fiscal year 2022 nonpoint source project grant
- 2024-2026 106 monitoring initiative grant

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2022 drinking water state revolving fund replacement grant
- Fiscal year 2023 Montana drinking water state revolving fund
- Fiscal year 2023 Montana clean water state revolving fund
- Fiscal year 2023 Montana clean water state revolving fund emerging contaminants grant
- Fiscal year 2023 nonpoint source project grant
- Fiscal year 2024 clean water state revolving fund supplemental grant
- Fiscal year 2024 drinking water revolving fund supplemental grant
- Fiscal year 2024 nonpoint source project grant
- Emerging contaminants in small or disadvantaged communities grant
- Sewer overflow and storm water reuse municipal grant program

Waste Management and Remediation Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Fiscal year 2023 abandoned mine lands administration
- Upper Ten Mile Creek mining remedial action

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2023 solid waste infrastructure for recycling

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Fiscal year 2024 Montana abandoned mine land program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2022 brownfields infrastructure investment and job acts
- Fiscal year 2023 bipartisan infrastructure law program for abandoned mine lands
- Infrastructure funding for additional coal work
- Brownfields assessment cooperative agreement
- Environmental services for housing project

Air, Energy, and Mining Division

Energy Efficiency Revolving Loan Fund

Fiscal Year 2025 $5,114,180 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Coal e-permitting
- Monitor national ambient air quality standards pollutants
- Statewide PM2.5 monitoring project

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Fiscal year 2024 energy efficiency and conservation block grant program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2023 bipartisan infrastructure law program
- Fiscal year 2024 bipartisan infrastructure law program
- Fiscal year 2024 air monitoring fenceline
- Fiscal year 2025 bipartisan infrastructure bill smart manufacturing
- Climate pollution reduction planning grant
- Operation and maintenance of water treatment facilities at Zortman and Landusky gold mines
- Air quality monitoring and trends analysis
- Bipartisan Infrastructure Law - preventing outages and enhancing the resilience of the electric grid formula grants
- Energy Efficiency Revolving Loan Fund

DEPARTMENT OF TRANSPORTATION

Highway and Engineering

Missouri River bridge replacement at Fort Benton

Fiscal Year 2025 $23,007,055 Federal

US 93 Wildlife Crossing Pilot Program

Fiscal Year 2025 $345,168 Federal

Russell Street Regional Connector

Fiscal Year 2025 $53,480,511 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Kagy Boulevard reconstruction
- Reconnecting east Missoula
- Mineral County I-90 improvement project
- Federal-aid highway program obligation

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2022 rural surface transportation grant program
- Severe flooding in and around Yellowstone

- Rebuilding American infrastructure with sustainability and equity program
- Wildlife crossing pilot program
- National significant federal lands and tribal projects
- Belgrade urban improvements
- Stone Creek north reconstruction project
- Gore Hill interchange reconstruction project
- I-90 Missoula to Garrison wildlife crossing feasibility study
- Sportsman's Bridge project
- Federal-aid highway program obligation
- US 93 North Ninepipe corridor reconstruction project
- Missouri River bridge replacement at Fort Benton
- US 93 Wildlife Crossing Pilot Program
- Russell Street Regional Connector

Motor Carrier Services Division

State mobility program Fiscal Year 2025 $8,983 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- State mobility program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2022 high-priority ITD grant program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2023 high-priority ITD grant program
- Fiscal year 2024 high-priority ITD grant program

Aeronautics Program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Airport improvement program
- Airport improvement program at Yellowstone airport

Rail, Transit, and Planning

US 93 Wildlife Crossing Pilot Program Fiscal Year 2025 $35,933 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2023 areas of persistent poverty project

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- I-90 Missoula to Garrison wildlife crossing feasibility study
- US 93 Wildlife Crossing Pilot Program

DEPARTMENT OF LIVESTOCK

Animal Health Division

Fiscal year 2025 highly pathogenic avian influenza in livestock
Fiscal Year 2025 $3,090 Federal

2025 National Conference on Interstate Milk Shipments
Fiscal Year 2025 $5,958 Federal

Veterinary Services
Fiscal Year 2025 $24,804 Federal

Swine health improvement plan
Fiscal Year 2025 $12,960 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- National animal disease preparedness and response program foreign animal disease outbreak in African swine fever and foot and mouth disease

- Fiscal year 2024 farm bill funding program
- Fiscal year 2025 High pathology avian influenza dairy cattle personal protective equipment
- Fiscal year 2025 farm bill funding program
- 2025 milk training
- Fiscal year 2025 highly pathogenic avian influenza in livestock
- Swine health improvement plan

DEPARTMENT OF NATURAL RESOURCES

Oil and Gas Conservation Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Underground injection control Class VI grant

Conservation and Resource Development Division

Low Tech Restoration Fort Peck Sage KI

Fiscal Year 2025 $164,408 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Fiscal year 2022 drinking water state revolving fund
- Fiscal year 2022 clean water revolving fund
- Fiscal year 2022 clean water state revolving fund grant
- Small and disadvantaged communities drinking water grant program
- Provide drinking water program assistance to underserved, small, and disadvantaged communities

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2022 drinking water state revolving fund grant
- 406 grazing academy

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Small, underserved, and disadvantaged communities grant

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2022 clean water state revolving fund grant
- Fiscal year 2022 drinking water state revolving fund replacement grant
- Fiscal year 2022 drinking water state revolving fund emerging contaminants grant
- Fiscal year 2023 drinking water state revolving fund
- Fiscal year 2023 clean water state revolving fund supplemental grant
- Fiscal year 2023 drinking water state revolving funds emerging contaminants grant
- Fiscal year 2023 drinking water state revolving fund base grant
- Fiscal year 2023 clean water state revolving fund grant
- Fiscal year 2024 drinking water revolving fund emerging contaminants grant
- Fiscal year 2024 drinking water revolving fund supplemental cap grant
- Fiscal year 2024 drinking water state revolving fund base cap grant
- Fiscal year 2024 clean water state revolving fund supplemental capitalization grant
- Reducing stormwater and septic leachate toxic pollution in the headwaters of the Columbia River basin
- Web application and support
- Prevent the spread of invasive species

- Rangeland resources
- Powerline removal restoration project
- Grassland partnership conservation effort
- Climate pollution reduction grants implementation grant
- Low Tech Restoration Fort Peck Sage KI

Water Resources Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Fiscal year 2023 cooperating technical partners program
- Fiscal year 2024 fall national dam safety program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2022 cooperating technical partners program
- Fiscal year 2024 cooperating technical partners grant program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2023 cooperating technical partners program
- Fiscal year 2024 cooperating technical partners program

Forest Trust Lands

Bipartisan Infrastructure Law Seedling Nursery

Fiscal Year 2025 $250,000 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Fiscal year 2021 consolidated forestry program grant
- Fiscal year 2022 consolidated forestry program grant

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Fiscal year 2022 wood and biomass program administration
- Fiscal year 2022 bipartisan infrastructure law state forest action plans
- Fiscal year 2022 bipartisan infrastructure law state fire assistance
- Fiscal year 2022 bipartisan infrastructure law volunteer fire assistance
- Fiscal year 2022 consolidated forestry programs grant
- Joint chief—fire adapted Bitterroot
- Community wildfire assistance in the Clark-Fork face
- Marshall community forest and mountain park technical assistance
- Hazardous fuels reduction northern region and joint chief connecting fuels Salish Mountains and Whitefish Range project treatment
- Bipartisan infrastructure law temporary bridge

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2023 bipartisan infrastructure law state forest action plans
- Fiscal year 2023 bipartisan infrastructure law state fire assistance
- Fiscal year 2023 bipartisan infrastructure law volunteer fire assistance
- Fiscal year 2023 Inflation Reduction Act urban and community forestry state allocations
- Fiscal year 2023 hazardous fuels reduction northern region
- Fiscal year 2023 consolidated forestry programs grant
- Fiscal year 2024 consolidated forestry program grant
- Fiscal year 2024 bipartisan infrastructure law state forest action plans

- Fiscal year 2024 bipartisan infrastructure law state fire assistance
- Fiscal year 2024 bipartisan infrastructure law volunteer fire assistance
- Restoration activities on the Beaverhead-Deerlodge National Forest
- Kootenai complex restoration projects
- Restoration activities on the Helena-Lewis and Clark National Forest
- Good neighbor authority capacity building
- Restoration activities on the Lolo National Forest
- Bipartisan infrastructure law community wildfire defense grants for Lincoln County
- Bipartisan infrastructure law community wildfire defense grants for Treasure County
- Bipartisan infrastructure law community wildfire defense grant for Blackfoot watershed
- Bipartisan infrastructure law community wildfire defense grant for north Gallatin front wildland urban interface mitigation project
- Restoration activities on the Bitterroot National Forest
- Native seed network
- Bipartisan infrastructure law community wildfire defense grant comprehensive wildfire protection plan update and modernization
- Bipartisan infrastructure law community wildfire defense grant base funding
- Fire-safe Flathead and Fire-safe Swan
- Prescribed fire assistance to the Flathead and Kootenai National Forests
- Increase plant materials for revegetation efforts at Yellowstone National Park
- Good neighbor agreement for the Lolo National Forest
- Good neighbor forest restoration services
- Good neighbor agreement for the Flathead National Forest
- Good neighbor agreement for east-side forests restoration
- Good neighbor projects Helena-Lewis and Clark National Forest
- Northern Rockies fire contract operations support
- Good neighbor agreement for the Bitterroot National Forest
- Prescribed fire assistance to the Custer Gallatin National Forest
- Prescribed fire assistance to Lolo National Forest
- Statewide good neighbor agreement prescribed fire support
- Nonfederal lands hazard mitigation
- Prescribed fire assistance to the Helena-Lewis and Clark National Forest
- Statewide good neighbor program
- Inflation Reduction Act forest landowner support
- Prescribed fire assistance to the Bitterroot National Forest
- Inflation Reduction Act urban and community forestry trees for indigenous nations
- Climate pollution reduction grants implementation grant
- Bipartisan Infrastructure Law Seedling Nursery
- Restoration activities on the Custer Gallatin National Forest

DEPARTMENT OF ADMINISTRATION
Architecture and Engineering Program
ConnectMT Digital Opportunity Program
Fiscal Year 2025 $6,938,535 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Broadband equity, access, and deployment planning grant program
- State and local water and sewer infrastructure grants
- ConnectMT Digital Opportunity Program

DEPARTMENT OF AGRICULTURE

Central Management Division

Certified Mediation Program Fiscal Year 2025 $814 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2023 specialty crops block grant farm bill application

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Fiscal year 2022 cooperative invasive plant cost share program
- Resilient food systems infrastructure cooperative agreement

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2023 bipartisan infrastructure law forest health invasive species
- Fiscal year 2024 invasive plant program cooperative cost share
- Fiscal year 2024 specialty crops block grant farm bill application
- Fiscal year 2024 invasive plant program cooperative cost share
- Northwest and Rocky Mountain regional food business center
- Bipartisan infrastructure law invasive species—EDRR project and capacity building
- Rural energy for America program technical assistance grant

Agricultural Sciences Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Fiscal year 2022 cooperative invasive plant cost share program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2023 bipartisan infrastructure law forest health invasive species
- Bipartisan infrastructure law invasive species—EDRR project and capacity building
- Bipartisan infrastructure law forest health invasive species western weed action plan

Agricultural Development Division

Certified Mediation Program Fiscal Year 2025 $11,935 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2023 specialty crops block grant farm bill application

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Resilient food systems infrastructure cooperative agreement

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2024 specialty crops block grant farm bill application
- Northwest and Rocky Mountain regional food business center
- Rural energy for America program technical assistance grant

DEPARTMENT OF CORRECTIONS

Public Safety

Fiscal Year 2024 State criminal alien assistance program
Fiscal Year 2025 $20,644 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Fiscal Year 2024 State criminal alien assistance program

Rehabilitation and Programs

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Small, rural school achievement program
- Connecting adults and minors through positive parenting

DEPARTMENT OF COMMERCE

Business MT

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Creating and expanding export opportunities for Montana small businesses

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- State small business credit initiative

Brand MT

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- American Rescue Plan Act state travel, tourism, and outdoor recreation grant

Community MT

Pathways to removing obstacles to housing

Fiscal Year 2025 $7,000,000 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2022 drinking water state revolving fund replacement grant
- Pathways to removing obstacles to housing

Housing MT

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Fiscal year 2018 housing trust fund grant agreement
- Community development block grant

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- American Rescue Plan Act homeowner assistance fund

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- American Rescue Plan Act home investment partnerships program
- Section 811 project rental assistance demonstration

Director's Office

Southeastern Montana transmission siting and economic development

Fiscal Year 2025 $47,459,092 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Southeastern Montana transmission siting and economic development
- Bipartisan infrastructure law - north plains connector interregional innovation

DEPARTMENT OF LABOR AND INDUSTRY

Workforce Services Division

Partners for reentry opportunities in workforce development

Fiscal Year 2025 $943,097 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- National dislocated worker grants

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Partners for reentry opportunities in workforce development
- Maximus subcontract agreement

Unemployment Insurance Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- American Rescue Plan Act unemployment insurance integrity grant

Office of Community Services

AmeriCorps fixed amount grant Fiscal Year 2025 $1,377,306 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- AmeriCorps fixed amount grant

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- American Rescue Plan Act IT modernization grant

DEPARTMENT OF MILITARY AFFAIRS

Army National Guard Program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- West-central Montana wildfire and vulnerability assessments

Disaster and Emergency Services

State and local cybersecurity grant program Fiscal Year 2025 $3,715,508 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Fiscal year 2022 state and local cybersecurity grant program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2023 state and local cybersecurity grant program
- Fiscal year 2024 nonprofit security grant program
- Fiscal year 2024 nonprofit security grant program
- State and local cybersecurity grant program

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Human and Community Services

Emergency food assistance program Fiscal Year 2025 $30,000 Federal

Summer electronic benefit transfer program for children Fiscal Year 2025 $188,320 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Emergency food assistance program
- Summer electronic benefit transfer program for children

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2025 low-income home energy assistance program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Infrastructure investment

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Food stamp performance bonus
- Child nutrition discretionary grants

Child and Family Services

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2023 adoption and legal guardianship incentive program

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Fiscal year 2024 adoption and legal guardianship incentive program

Director's Office

Refugee and entrant assistance state administered programs
Fiscal Year 2025 $858,521 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Home and community-based services

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Fiscal year 2024 refugee support services
- Fiscal year 2025 refugee cash and medical assistance
- Refugee and entrant assistance state administered programs

Public Health and Safety Division

Strengthening public health infrastructure, workforce, and data systems in Montana
Fiscal Year 2025 $135,950 Federal
Mpox crisis response Fiscal Year 2025 $1,339,555 Federal
Hospital preparedness program
Fiscal Year 2025 $693,341 Federal
Preventing heart attacks and strokes Fiscal Year 2025 $51,738 Federal
Building capacity for Medicaid coverage and enrollment
Fiscal Year 2025 $149,494 Federal
Development and training Fiscal Year 2025 $8,500 Federal
Partnership to promote local efforts to reduce environmental exposure
Fiscal Year 2025 $71,426 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Sexually transmitted disease prevention and control
- Data modernization core supplemental budget period 2
- Electronic death registration
- CDC's collaboration with academia to strengthen public health
- Strengthening public health infrastructure, workforce, and data systems in Montana
- Mpox crisis response
- Preventing heart attacks and strokes
- Building capacity for Medicaid coverage and enrollment
- Development and training
- Partnership to promote local efforts to reduce environmental exposure

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Epidemiology and laboratory capacity for infectious disease advanced molecular detection sequencing and analytics supplement
- Epidemiology and laboratory capacity for infectious disease strengthening health care-associated infections and antimicrobial resistance program capacity supplement

- Epidemiology and laboratory capacity for infectious disease national wastewater surveillance system
- Epidemiology and laboratory capacity for infectious disease laboratory data exchange
- Testing and contact tracing
- Testing, tracing, and mitigation
- Epidemiology and laboratory capacity for infectious disease enhancing detection expansion
- Epidemiology and laboratory capacity for prevention and control of emerging infectious diseases
- Supporting clean air among priority populations in western Montana

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Cooperative agreement for emergency response: public health crisis response 2018
- Strengthening public health infrastructure, workforce, and data systems
- Strengthening public health infrastructure, workforce, and data systems
- Epidemiology and laboratory capacity for infectious disease strengthening health care-associated infections and antimicrobial resistance program capacity supplemental
- Epidemiology and laboratory capacity for infectious disease advanced molecular detection sequencing and analytics supplement
- Epidemiology and laboratory capacity for infectious disease national wastewater surveillance system supplemental
- Epidemiology and laboratory capacity for infectious disease data modernization supplemental
- Strengthening public health infrastructure, workforce, and data systems modernizing immunization information systems
- Strengthening public health infrastructure, workforce, and data systems supplemental budget
- Juul Labs settlement

Office of Inspector General

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- SNAP Integrity

Behavioral Health and Developmental Disability Division

Certified community behavioral health Clinic planning grant Fiscal Year 2025 $1,000,000 Federal

Montana partnerships for success Fiscal Year 2025 $312,500 Federal

988 Capacity improvement project Fiscal Year 2025 $222,506 Federal

Strengthening Families Initiative Fiscal Year 2025 $12,675 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Certified Community Behavioral Health Clinic planning grant
- 988 Capacity improvement project
- Strengthening Families Initiative

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2027:

- Healing and ending addiction through recovery and treatment demonstration

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Transformation transfer initiative

Health Resources Division

Maternal and child health federal consolidated program

Fiscal Year 2025 $117,814 Federal

Senior and Long-Term Care Division

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Advancing the Montana lifespan respite coalition
- Adult protective services formula grants

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Community choice partnership

Early Childhood and Family Support Division

Sexual risk avoidance education

Fiscal Year 2025 $46,229 Federal

Maternal and child health federal consolidated programs

Fiscal Year 2025 $711,960 Federal

Women, infant and children modernization

Fiscal Year 2025 $823,431 Federal

Act early ambassador to Montana stipend

Fiscal Year 2025 $3,250 Federal

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into state fiscal year 2026:

- Preschool development grants birth through five

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2026:

- Maternal, infant, and early childhood home visiting grant program
- Child nutrition program training and technical assistance
- Sexual risk avoidance education
- Maternal and child health federal consolidated programs

All remaining fiscal year 2025 budget amendment authority for the following is authorized to continue into federal fiscal year 2027:

- Technology implementation grant
- Women, infant and children modernization

Section 3. Transfer of funds. (1) By [10 days after the effective date of this act], the state treasurer shall make the following transfers from the interest earnings on funds from the American Rescue Plan Act of 2021, Public Law 117-2, as provided in 31 CFR, part 35:

(a) $1,749,052 to the natural resources projects special revenue account established in 15-38-302 for projects in House Bill No. 7;

(b) $2,250,000 to the natural resources projects state special revenue account established in 15-38-302 for water and wastewater projects identified in [section 1(4)] of House Bill No. 6;

(c) $224,500 to the natural resources projects state special revenue account established in 15-38-302 for irrigation projects identified in [section 1(7)] of House Bill No. 6; and

(d) the remainder to the capital developments long-range building program account established in 17-7-209.

(2) On a quarterly basis, the state treasurer shall deposit all interest earnings on funds from the American Rescue Plan Act of 2021, Public Law 117-2, as provided in 31 CFR, part 35, directly into the capital developments long-range building program account established in 17-7-209 until December 30, 2026, by which time American Rescue Plan Act funds must be expended or returned to the federal government and all interest on funds ceases to accrue.

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

Approved June 20, 2025

CHAPTER NO. 773

[HB 5]

AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2027; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT AND A TRANSFER OF FUNDS FROM THE GENERAL FUND TO A STATE SPECIAL REVENUE FUND; PROVIDING FOR A MODIFICATION TO THE LONG-RANGE BUILDING PROGRAM; INCREASING CERTAIN VALUE THRESHOLDS FROM $150,000 TO $300,000; ESTABLISHING REPORTING REQUIREMENTS; ALLOWING A COMBINATION OF PREVIOUSLY APPROVED APPROPRIATIONS FOR THE CLAPP BUILDING; AMENDING SECTIONS 17-7-201, 17-7-202, 17-7-210, AND 17-7-223, MCA; AMENDING SECTION 1, CHAPTER 468, LAWS OF 2021, SECTION 9(1), CHAPTER 739, LAWS OF 2023, SECTION 14(1), CHAPTER 762, LAWS OF 2023, AND SECTION 3, CHAPTER 763, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Definitions. For the purposes of [sections 1 through 10], unless otherwise stated, the following definitions apply:

(1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and university funds.

(2) "Capital development" has the same meaning as provided in 17-7-201(2).

(3) "Capital project" means the planning, design, renovation, construction, alteration, replacement, furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 10].

(4) "LRBP capital development" means the long-range building program capital developments account in the capital projects fund type provided for in 17-7-209.

(5) "LRBP major repair" means the long-range building program major repair account in the capital projects fund type provided for in 17-7-221.

(6) "Major repair" means capital projects provided for in 17-7-201(7).

(7) "Other funding sources" means money other than LRBP money, state special revenue, or federal special revenue that accrues to an agency under the provisions of law.

(8) "SBECP" means funds from the state building energy conservation program account in the capital projects fund type which may be utilized on either or both major repair or capital development projects.

Section 2. Major repair projects appropriations and authorizations. (1) The following money is appropriated to the department of administration for the indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to adjust capital project amounts within the legislative intent of the major repair

account-funded projects, subject to available revenues, if approved by the office of budget and program planning, and to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP MR Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
MUS	MSU Completion of Montana Hall Life Safety Improvements				
	2,100,000				2,100,000
DPHHS	MMHNCC Completion of Door Access Controls				
	130,000				130,000
MUS	UM Missoula College Mechanical, Electrical, and Accessibility Upgrades				
	2,200,000				2,200,000
MUS	UM Montana Tech Selected Upgrades Exterior Steps, Stairs, Ramps				
	710,000				710,000
DPHHS	MMHNCC Additional Security Cameras				
	300,000				300,000
MUS	UM-W Selected Fire Alarm Upgrades				
	500,000				500,000
DOC	MSP MCE New Emergency Generators				
	200,000				200,000
DOA	Aviation Support Facility Shop Building New Fire Suppression System				
	950,000				950,000
MUS	UM Montana Tech Campus Heating Plant Boiler System Upgrade				
	2,400,000				2,400,000
DOAg	State Grain Lab Heating System Upgrades				
	150,000				150,000
MUS	MSU GFC Campus Heating and Domestic Hot Water Upgrades				
	400,000				400,000
DOJ	MHP Boulder MHP/IBC Campus Heating System Upgrades				
	2,350,000				2,350,000
MUS	UM Helena College Donaldson/Airport Boiler System Replacement				
	150,000				150,000
DOA	Original Governor's Mansion Heating and Fire Alarm Systems				
	300,000				300,000
MUS	UM-W Swysgood Tech Center HVAC Cooling System Replacement				
	370,000				370,000
DOC	Continuation of Xanthopoulos Building Repairs				
	2,200,000				2,200,000
MUS	MSU Linfield Hall Roof Replacement				
	850,000				850,000
DOA	State Print and Mail Building Roof Replacement				
	825,000				825,000
MUS	MSU-N Cowan Hall Exterior Envelope Upgrades				
	1,725,000				1,725,000
DPHHS	EMVH Water Infiltration and Exterior Envelope Repairs				
	1,900,000				1,900,000
MUS	MSU-N Automotive Technology Building Roof Replacement				
	460,000				460,000
MUS	UM HC Donaldson Campus Roofing Replacement				
	2,400,000				2,400,000
DOC	MSP MCE Roof Replacements				
	1,350,000				1,350,000

DOA	Aviation Support Fac Hangar Door Reconstruction and Replacement		
	320,000		320,000
MUS	UM Montana Tech Campus-wide Building Electrical System Upgrades		
	1,300,000		1,300,000
MSDB	Completion of Parking Lot Improvements		
	780,000		780,000
MUS	UM-W Selected Sewer Main Repairs and Replacement		
	690,000		690,000
OPI	Montana Learning Center Site Infrastructure Upgrades		
	700,000		700,000
MUS	UM-W Steam Distribution System Upgrades		
	475,000		475,000
DOC	PHYCF Utility Tunnel and Heating System Repairs		
	1,200,000		1,200,000
MUS	UM Selected Building Electrical System Upgrades		
	1,100,000		1,100,000
MUS	MSU South Campus Primary Electrical Distribution Upgrades		
	1,750,000		1,750,000
DOC	MSP Gravel Pit Equipment Generator Replacement		
	180,000		180,000
DLI	Kalispell Job Service Renovations		
	325,000		325,000
MUS	UM Selected Elevator System Upgrades		
	1,675,000		1,675,000
MUS	MT Tech Science and Engineering, and ELC Building Elevator Upgrades		
	400,000		400,000
DOL	New Laboratory Casework and Fixed Equipment, Combined Labs Building		
	1,000,000		1,000,000
MSDB	Selected HVAC Systems Upgrades		
	2,000,000		2,000,000
MUS	MSU McCall Hall Demolition		
	1,100,000	300,000	1,400,000
DOA	Capitol Building Interior Lighting Restoration		
	125,000		125,000
DOA	Capitol Complex Restroom Renovations		
	625,000		625,000
DOC	MSP MCE Restroom Repairs		
	200,000		200,000
DOJ	MLEA Air Conditioning Installation		
	300,000		300,000
MUS	MT Tech Mining and Geology Building Temp Controls System		
	300,000		300,000
DOA	Statewide Facility Condition Assessment Services for Agencies		
	750,000		750,000
DOA	Statewide Selected Feasibility Studies for Agencies		
	500,000		500,000
MUS	MSU Replace Failed Data Center Cooling Systems		
	1,000,000	300,000	1,300,000

(2) Up to $2.8 million state special revenue from the capital land grant fund is appropriated to the department of administration for the 2027 biennium for use solely on major repair capital projects on the Capitol complex. Major repair capital projects shall be approved by of the office of budget and program planning prior to use of the funds by the department.

(3) The following money is appropriated to the department of military affairs for the indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization and are subject to the provisions of 18-2-103.

Agency/Project	LRBP MR Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DMA	Statewide Indoor Firing Range Remediation				
			2,450,000		2,450,000
DMA	MTARNG Buildings MEP Repairs				
			1,970,000		1,970,000
DMA	FTH Building 1009 New Generator				
			255,000		255,000
DMA	Helena AFRC New Underground Stormwater Piping System				
			230,000		230,000
DMA	FTH New Powered Fire Department Access Gate				
			225,000		225,000
DMA	FTH Range Operations Center Site Work				
			380,000		380,000
DMA	FTH Building 1017 New Shower Rooms				
			110,000		110,000
DMA	MTARNG Buildings New PV Solar Arrays and Repairs				
			690,000 6		90,000
DMA	FTH MIST/MINER Facility Upgrade				
			1,900,000		1,900,000

(4) The department of administration shall bundle requests for the purchase and installation of the electrical generators into a single project for bid.

Section 3. Capital development projects appropriations and authorizations. (1) The following money is appropriated to the department of administration for the indicated capital development projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP CD Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DOC	MSP Low-Side Housing Expansion				
	150,000,000				150,000,000

Funding is provided to expand the capital project in Section 2, Chapter 765, Laws of 2023. The department may extend existing design, construction, and other contracts at its sole discretion, in order to expedite the project.

DOC	MSP Site Infrastructure Upgrades				
	21,000,000				21,000,000

Funding is provided to expand the capital project in Section 2, Chapter 765, Laws of 2023. The department may also extend existing design, construction, and other contracts at its sole discretion, in order to expedite the project.

DPHHS	MSH Comprehensive Mechanical System Replacement				
	11,200,000				11,200,000
DOC	MSP Comprehensive Mechanical System Replacement				
	4,750,000				4,750,000
DPHHS	MSH Spratt Building Upgrades for Licensure and Facility Fences				
	14,660,000				14,660,000

Funding may be redirected by the office of budget and program planning to address other capital project needs at the Montana State Hospital, subject to 17-7-210.

DPHHS MMHNCC Unit D Remodel for Licensure
700,000 700,000

MUS UM Selected Classrooms and Teaching Labs Modernization
11,600,000 11,600,000

DNRC Missoula New Forestry and Trust Lands Office Building
2,000,000 2,000,000

DNRC Bunkhouses in Helena, Libby, and Plains and Office Addition
1,500,000 600,000 2,100,000

The department of administration may prioritize the funding, design, and construction between each of the bunkhouses and office additions as necessary to meet the intent of [sections 3(8)(c) and 3(9)].

DOA Capitol Complex Roof Replacements
4,100,000 4,100,000

MUS UM Selected Roof Replacements
3,000,000 3,000,000

MUS MT Tech Highlands College Roof Replacement
5,000,000 5,000,000

MUS MSUB Cisel Hall HVAC and Plumbing System Upgrades
4,000,000 4,000,000

DOA Capitol Complex Elevator System Upgrades
5,700,000 5,700,000

MSDB Vocational Building Demolition and New Construction
4,000,000 4,000,000

MUS MSU Lewis Hall New Elevator and ADA Upgrades
4,600,000 4,600,000

MUS UM Music Building Renovation
7,250,000 7,250,000 14,500,000

DOA 1227 11th Avenue Renovation
3,600,000 3,600,000

DOA 1300 11th Avenue Renovation
4,150,000 4,150,000

MUS UM Mansfield Library Renovation
9,000,000 9,000,000 18,000,000

MUS MSU Hamilton Hall 3rd and 4th Floor Renovation
5,230,000 5,230,000

DOA 5 South Last Chance Gulch Building Renovation
17,300,000 17,300,000

DMA SMART Deferred Maintenance Program, Statewide
1,500,000 4,500,000 6,000,000

DOC MSP Construction Education Program Building and Old Territorial Prison Repair
4,200,000 4,200,000

DMA Billings Limited Army Aviation Support Facility, Phase 2
23,100,000 23,100,000

DMA MTANG New Training Drop Zone
1,800,000 1,800,000

DOJ MLEA New Indoor Firing Range
10,000,000 10,000,000

DMA MT State Veterans' Cemetery, New Interment Processing Center
600,000 600,000

FWP	Central Services Site Upgrades Phase 2				
		13,350,000			13,350,000
FWP	Central Services Site Upgrades Phase 3				
		16,680,000			16,680,000
FWP	State Park Storage Building at Cooney Park and Deadman Basin FAS				
		375,000			375,000

The department of administration may prioritize the funding, design, and construction between each of the storage buildings as necessary to meet the intent of [sections 3(8)(c) and 3(10)].

MDT	Equipment Storage Buildings at Three Forks, Wolf Creek, Lodge Grass, Conrad, and Miles City				
		5,300,000			5,300,000

The department of administration may prioritize the funding, design, and construction between each of the equipment storage buildings as necessary to meet the intent of [sections 3(8)(c) and 3(11)].

MDT	Purchase of Equipment Repair Shop and Property				
		8,500,000			8,500,000
MUS	MSUB New Art Building				
				13,400,000	13,400,000
MUS	UM New Bandy Ranch Field Research Housing				
				2,000,000	2,000,000
MUS	UM Bio Research Building Addition				
				8,000,000	8,000,000
MUS	MSU Instructional Space Modernization				
				4,000,000	4,000,000
MUS	UM Law School Interior Remodel				
				3,000,000	3,000,000
MUS	UM McGill Hall Addition				
				3,000,000	3,000,000

Authority-only increase is provided for the project in Section 3, Chapter 763, Laws of 2023.

MUS	MSU Nopper Building Purchase				
				6,500,000	6,500,000
MUS	UM Undergraduate Research Lab Upgrades and Improvements				
				10,000,000	10,000,000
MUS	UM South Campus Tennis Court Complex				
				8,300,000	8,300,000
MUS	MSU Visual Communications Building Classroom Addition				
				11,500,000	11,500,000

Authority-only increase is provided for the project in Section 2, Chapter 422, Laws of 2019, and Section 3, Chapter 763, Laws of 2023.

MUS	Women's Soccer Locker Room Remodel and Lighting				
				400,000	400,000
MUS	Montana Tech Campus Expansion and Upgrades				
				50,000,000	50,000,000

(2) The following money is appropriated to the department of military affairs for the indicated capital development projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization and are subject to the provisions of 18-2-103.

Agency/Project	LRBP CD Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DMA	Fort Harrison Open Bay Barracks				
			10,500,000		10,500,000

Federal special revenue is provided for the purposes of construction for the project consented to by the governor in August 2024 in accordance with 18-2-102(2)(e) for use of $1,880,000 of federal funds for design only.

DMA	Fort Harrison Vehicle Paint Shop Construction		
		4,000,000	4,000,000
DMA	MTARNG Vehicle Maintenance Shop Construction		
		20,000,000	20,000,000
DMA	Limestone Hills Target Storage Building Replacement		
		60,000	60,000
DMA	Veterans' Cemetery Expansions, Statewide		
		1,000,000	1,000,000
DMA	Capital Reserve Fund	31,505,000	31,505,000

(3) (a) The capital reserve fund may be used by the department of military affairs to fund projects in [section 3] subsequently identified after the passage of [this act].

(b) A project must be prepared that describes each task to be completed with a budget for each proposed project. The project description must be submitted by the department of military affairs through the department of administration to the general government budget committee and the long-range planning budget committee. After the project description has been submitted to those committees, the budget director may approve, modify, or deny the proposed project.

(4) (a) The following money is appropriated to the office of budget and program planning for the indicated capital development project from the indicated source for the purpose of major repairs and capital projects on the Capitol complex:

Agency/Project	LRBP CD Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
OBPP	Capitol Complex Deferred Maintenance and Renewal				
	50,000,000				50,000,000

(b) The office of budget and program planning is authorized to transfer any or all of the appropriation to the department of administration. The department of administration is authorized to adjust major repair or capital development project amounts within the legislative intent, if approved by the office of budget and program planning, and to transfer the appropriations, authority, or both among the necessary fund types.

(c) The funds may be used in conjunction with projects appropriated in Section 14, Subsection 4, Chapter 762, Laws of 2023. The department may also extend existing design, construction, and other contracts at its sole discretion.

(d) The funds may not be utilized in or for space leased or to be leased by a state agency or to construct or acquire additional state-owned square footage.

(5) (a) The following money is appropriated to the department of administration for the purpose of capital development projects planning studies for agencies, including the university system, on capital projects that are anticipated to be greater than a total project cost of $10 million:

Agency/Project	LRBP CD Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DOA	Capital Development Projects Planning Studies				
	2,000,000				2,000,000

(b) Prior to usage of the funds, the department shall require agencies to submit individual capital project applications, along with 6-year facilities strategic plans, and make recommendations to the office of budget and

program planning. A planning study must be approved by the office of budget and program planning prior to commencement by the department.

(c) The results of a planning study must contain the full narrative and explanation of the needs, project scope and programmatic information, design and construction schedule, itemized total capital project costs, any future staffing costs, and any future operations and maintenance costs.

(d) Subject to 17-7-211, agencies, including the university system, may utilize other funding sources to initiate or participate in a capital projects planning study.

(6) (a) The following money is appropriated to the department of administration as reserve funding on major repair-type and capital development-type capital projects:

Agency/Project	LRBP CD Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DOA	Reserve Funds for Market, Supply Chain, and Inflationary Impacts				
	10,000,000				10,000,000

(b) Prior to usage of the funds, the department shall submit a recommendation with sufficient justification for approval to the office of budget and program planning.

(c) Funding may not be used to expand beyond the scope of a project authorized by the legislature. This aggregate amount does not limit or restrict 17-7-211.

(7) (a) Pursuant to 17-7-210, if construction or acquisition of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in this subsection reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) Subject to subsection (7)(e), the following money is appropriated for the biennium beginning July 1, 2025, to the indicated agency from the indicated sources for program expansion or operations and maintenance for the indicated new facility:

Agency/Project	General Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DNRC	Missoula New Forestry and Trust Lands Office Building				
		50,876			50,876
DNRC	Helena Wildland Firefighter Bunkhouses				
		66,360			66,360
DNRC	Libby Wildland Firefighter Bunkhouses and Office Addition				
		33,180			33,180
DNRC	Plains Wildland Firefighter Bunkhouse				
		33,180			33,180
MUS	MSU Lewis Hall New Elevator and ADA Upgrades				
	37,800				37,800
DOA	5 South Last Chance Gulch Building Renovation				
	173,550				173,550
DMA	Billings Limited Army Aviation Support Facility, Phase 2				
			107,400		107,400

DOJ	MLEA New Indoor Firing Range		
	150,000		150,000
DMA	MT State Veterans' Cemetery, New Interment Processing Center		
	9,625		9,625
FWP	Central Services Site Upgrades Phase 2		
	133,468		133,468
FWP	Central Services Site Upgrades Phase 3		
	208,545		208,545
FWP	Region 5 Cooney State Park Storage Building		
	2,778		2,778
FWP	Region 5 Deadman's Basin FAS Storage Building		
	4,250		4,250
MDT	Three Forks Equipment Storage Building		
	48,150		48,150
MDT	Wolf Creek Equipment Storage Building		
	33,400		33,400
MDT	Lodge Grass Equipment Storage Building		
	33,400		33,400
MDT	Conrad Equipment Storage Building		
	41,650		41,650
MDT	Miles City Equipment Storage Building		
	44,750		44,750
MUS	MSUB New Art Building		
	257,680		257,680
MUS	UM New Bandy Ranch Field Research Housing		
	108,705		108,705
MUS	UM Bio Research Building Addition		
	246,050		246,050
MUS	UM McGill Hall Addition		
	71,968		71,968
MUS	MSU Nopper Building Purchase		
	1,252,186		1,252,186
MUS	UM South Campus Tennis Court Complex		
		359,086	359,086
MUS	MSU Visual Communications Building Classroom Addition		
	59,286	140,403	199,689
DMA	Fort Harrison Open Bay Barracks		
	204,800		204,800
DMA	Fort Harrison Vehicle Paint Shop Construction		
	42,100		42,100
DMA	MTARNG Vehicle Maintenance Shop Construction		
	134,800		134,800
DMA	Fort Harrison Facility Maintenance Shop #3 (FMS #3) Acquisition		
	31,000		31,000
MUS	Montana Tech Campus Expansion and Upgrades		
	2,543,693		2,543,693

Funds for operations and maintenance are provided upon completion of the transfer of the facility from federal to state ownership. The department of administration may utilize the FMS #3 to construct either or both the capital projects DMA DES State Emergency Coordination Center Expansion and DMA DES State Disaster Warehouse in Section 3, Chapter 763, Laws of 2023. If constructed within the FMS #3, the operations and maintenance funding for either or both the projects in Section 3, Chapter 763, Laws of 2023, shall transfer to the acquired FMS #3.

DMA Billings Readiness Center and Innovation Campus (BRIC)
98,500 (General Fund) 98,500 (Federal Special Revenue) 197,000 (Total)

Funds for operations and maintenance are provided for the project in Section 3, Chapter 763, Laws of 2023, and are contingent on the sale of the existing Billings Armed Forces Reserve Center (BAFRC). After the sale, operations and maintenance funding currently appropriated to the department of military affairs for the existing Billings Armed Forces Reserve Center shall then be added to and utilized for the new Billings Readiness Center operations and maintenance.

DOA Governor's Office, 720 Madison Avenue
270,250 (General Fund) 270,250 (Total)

Funds for operations and maintenance are provided upon completion of the transfer of the real property to the department of administration.

(c) Subject to subsection (7)(e), the following money is appropriated for fiscal year 2027 to the indicated agency from the indicated sources for program expansion or operations and maintenance for the indicated new facility:

Agency/Project	General Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DOC MSP Low-Side Housing Expansion	6,950,000				6,950,000

(d) It is the legislature's intent that the appropriations in this subsection become part of the respective agency's base budget for the biennium beginning July 1, 2025.

(e) Appropriations in subsections (7)(b) and (7)(c) are contingent on the passage and approval of a bill that includes an appropriation for the construction of the indicated projects in subsections (7)(b) and (7)(c).

(f) Funds appropriated in [this act] and prior appropriations, including House Bill 2, House Bill 5, and House Bill 872 from the 2023 session, may not be used to construct or staff a guard house at the Montana state hospital.

(8) The department of administration shall prioritize the project management and contracting for design and construction of capital projects contained in [this act] and may combine or bundle projects at its discretion, in the following order:

(a) (i) projects for the department of public health and human services, specifically DPHHS MSH Comprehensive Mechanical System Replacement, DPHHS MSH Spratt Building Upgrades for Licensure and Facility Fences, and the DPHHS MMHNCC D-Wing Remodel for Licensure;

(ii) projects for the department of corrections, specifically DOC MSP Low-Side Housing Expansion, DOC MSP Site Infrastructure Upgrades, DOC MSP Comprehensive Mechanical System Replacement, and the DOC MSP Construction Education Program Building Renovation and Old Territorial Prison Repair;

(iii) remaining projects in [this act] as determined by the department in accordance with 18-2-104 and taking into consideration prior appropriated capital projects.

(b) Based upon project type or location, the department may combine or bundle the procurement of design services, bidding, and construction contracting for the purposes of efficiently implementing capital projects in either [section 2] or [section 3] or both.

(c) The department may also extend existing design, construction, and other contracts for capital projects in either [section 2] or [section 3] or both at its sole discretion, in order to expedite the implementation, design, and construction of capital projects in [this act].

(d) Should funding in House Bill 3 be insufficient for the replacement of the security doors in the RHU and SAU facilities at the Montana State Prison, the department of administration is authorized to adjust prior capital project appropriations in House Bill 817 of the 68th session and appropriations in [this act] for the department of corrections to complete the replacement of the security doors.

(9) The department shall develop standardized designs for bunkhouses used by all state agencies differentiated only by the number of beds they contain. Only one architectural fee may be paid for the bunkhouse design.

(10) The department shall develop standardized designs for storage sheds used by all state agencies differentiated only by the size of the shed. Only one architectural fee may be paid for the storage shed design.

(11) The department shall develop standardized designs for department of transportation equipment storage buildings differentiated only by the number of equipment bays in the structure. Only one architectural fee may be paid for the equipment storage building design.

(12) The architecture and engineering division of the department of administration shall provide a written report on the progress in implementing the projects identified as priority projects in subsections (8)(a)(i) and (8)(a)(ii) and the work done to implement projects in subsection (8)(a)(iii) 5 days prior to a meeting of the following committees:

(a) the legislative finance committee; and

(b) the long-range planning budget committee.

Section 4. Capital improvement projects. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Source	Total
FWP Statewide Administrative Facilities Major Maintenance	2,800,000			2,800,000
FWP Fishing Access Site Major Maintenance	1,590,000			1,590,000
FWP Statewide Hatchery Maintenance and Repairs	2,500,000			2,500,000
FWP Fishing Access Site Noxious Weed Control	250,000			250,000
FWP Wildlife Management Area Maintenance	3,380,000			3,380,000
FWP State Parks Major Maintenance	4,500,000			4,500,000
FWP State Parks Noxious Weed Control	250,000			250,000
FWP Statewide Wildlife Habitat Management Areas Improvements	680,000			680,000
FWP Future Fisheries	2,000,000			2,000,000
FWP Contract Programs	2,250,000			2,250,000
FWP Fish Connectivity				

	1,635,000	1,775,000		3,410,000
FWP	Lewis and Clark Caverns State Park Water System			
	692,500	692,500		1,385,000
FWP	Community Fishing Ponds			
	200,000			200,000
FWP	Parks and Outdoor Recreation Site Development and Upgrades			
	4,509,680	510,000		5,019,680

For the Judith Landing Site, noxious weed control must be performed with a portion of the funds appropriated for the location.

FWP	Upland Game Bird Enhancement Program			
	2,000,000			2,000,000
FWP	Dam Maintenance			
	90,000			90,000
FWP	Region 5 HQ Pemberton Lane Improvements			
	255,000			255,000
FWP	Grants Programs			
	5,800,000	7,900,000		13,700,000
FWP	Bannack State Park Historic Preservation			
	250,000			250,000
FWP	Forest Management Program			
	250,000			250,000
FWP	Tongue/Yellowstone/Muggli Fishery Infrastructure Improvements			
	1,430,000			1,430,000

(2) Authority is granted to the Montana university system for the purpose of making capital improvements to campus facilities statewide. Authority-only funds may include donations, grants, auxiliary funds, proprietary funds, nonstate funds, and university funds. Use of authority-only funds may be allocated at not more than $2,500,000 per project and are subject to the provisions of 18-2-103. All costs for the operations and maintenance of any improvements constructed under this authorization must be paid by the Montana university system from nonstate sources:

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
General Spending Authority, MUS All Campuses					
				20,000,000	20,000,000

(3) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities as indicated and are subject to the provisions of 18-2-103:

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
Maintenance, Repair, and Small Projects, Statewide					
		3,000,000			3,000,000

(4) The following money is appropriated to the department of military affairs in the indicated amount for the purpose of making capital improvements to statewide facilities. The capital improvements are subject to the provisions of 18-2-103. All costs for the operation and maintenance of any improvements constructed with these funds must be paid by the department of military affairs from nonstate sources:

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
Federal Spending Authority			3,000,000		3,000,000

(5) The following money is appropriated to the department of environmental quality in the indicated amount for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable:

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total Revenue
Remediation of Leaking Petroleum Tanks		2,000,000			2,000,000

Section 5. Land acquisition appropriations. The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purposes of land acquisition, land leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project		State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
FWP	Habitat Montana	12,000,000			12,000,000
FWP	Fishing Access Site Acquisition	500,000			500,000
FWP	Habitat Montana -- Enhanced 701 Funding	18,000,000			18,000,000

Section 6. Planning and design. The department of administration may proceed with the planning and design of capital projects in either or both [sections 2 and 3] prior to the receipt of other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of other funding sources.

Section 7. Capital projects -- contingent funds. (1) If a capital project is financed, in whole or in part, with appropriations contingent on the receipt of other funding sources, the department of administration may not let the project for bid until a financial plan and agreement with the agency has been approved by the director of the department of administration. A financial plan and agreement may not be approved by the director if:

(a) the level of funding and authorization provided under the financial plan and agreement deviates substantially from the funding level provided in either or both [sections 2 and 3] for that project; or

(b) the scope of the project is substantially altered or revised from the concept and intent for that project as presented to the 69th legislature.

(2) For any capital project financed, in whole or in part, with appropriations contingent on the receipt of other funding sources in this biennium and any prior biennium, the agency, including the university system, for which the capital project is for must submit a report through the department of administration architecture and engineering division to the Joint Appropriations Subcommittee for Long-Range Planning indicating the status of the other sources of funding, how much funding has been received, projections of when the funding is anticipated to be received, or if the project should be canceled. A report must be provided to the subcommittee during every regular session of the legislature until a project begins construction or is canceled by the legislature.

(3) This section does not limit or restrict the application of 17-7-211.

Section 8. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized

in either or both [sections 2 and 3] for potential inclusion in the state building energy conservation program (SBECP) under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy or utility savings and improvements, that project must be submitted to the energy conservation program for funding consideration by the SBECP. Funding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings resulting from the capital project. Agencies must be notified of potential funding after the review and are obligated to utilize the SBECP funding, if available, on the terms and conditions specified by the department.

Section 9. Legislative intent. The appropriations authorized in [sections 2 through 5] constitute legislative consent for the capital projects contained in [sections 2 through 5] within the meaning of 17-7-201 and 18-2-102.

Section 10. Increase in state funding for program expansion or operations and maintenance. If an immediate or future increase in state funding for program expansion or operations and maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 69th legislature, that new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

Section 11. Section 17-7-201, MCA, is amended to read:

"**17-7-201. Definitions.** In this part, the following definitions apply:

(1) (a) "Building" includes a:

(i) building, facility, or structure constructed or purchased wholly or in part with state money;

(ii) building, facility, or structure at a state institution;

(iii) building, facility, or structure owned or to be owned by a state agency, including the department of transportation.

(b) The term does not include a:

(i) building, facility, or structure owned or to be owned by a county, city, town, school district, or special improvement district;

(ii) facility or structure used as a component part of a highway or water conservation project.

(2) "Capital development" means a:

(a) renovation, construction, alteration, site, or utility project with a total cost of $2.5 million or more;

(b) new facility with a construction cost of $250,000 or more; or

(c) purchase of real property for which an appropriation is required to fund the purchase.

(3) "Construction" includes construction, repair, alteration, renovation, and equipping and furnishing during construction, repair, or alteration.

(4) "Division" means the architecture and engineering division of the department of administration.

(5) "High-performance building" means a building that integrates and optimizes all major high-performance building attributes, including but not limited to:

(a) energy efficiency;

(b) durability;

(c) life-cycle performance; and

(d) occupant productivity.

(6) (a) "Long-range building program-eligible building" means a building, facility, or structure eligible for major repair account funding that:

(i) is owned or fully operated by a state agency and for which the operation and maintenance are funded with state general fund money; or

(ii) supports academic missions of the university system and for which the operation and maintenance are funded with current unrestricted university funds.

(b) The term does not include a building, facility, or structure:

(i) owned or operated by a state agency and for which the operation and maintenance are entirely funded with state special revenue, federal special revenue, or proprietary funds; or

(ii) that supports nonacademic functions of the university system and for which the operation and maintenance are funded from nonstate and nontuition sources.

(7) (a) "Major repair" means:

(i) a renovation, alteration, replacement, or repair project with a total cost of less than $2.5 million;

(ii) a site or utility improvement with a total cost of less than $2.5 million; or

(iii) a new facility with a total construction cost of less than $250,000.

(b) The term does not include operations and maintenance as defined in this section.

(8) (a) "New facility" means the construction *or acquisition* of a new building on state property regardless of funding source and includes:

(i) an addition to an existing building; and

(ii) the enclosure of space that was not previously fully enclosed.

(b) The term does not include the replacement of state-owned space that is demolished or that is otherwise removed from state use if the total construction cost of the replacement space is less than $2.5 million.

(9) "Operations and maintenance" means operational costs and regular, ongoing, and routine repairs and maintenance funded in an agency operating budget that does not extend the capacity, function, or lifespan of a facility.

(10) "Replacement cost of existing long-range building program-eligible building" means the current replacement value of all long-range building program-eligible buildings included in the statewide facility inventory and condition assessment as provided in 17-7-202."

Section 12. Section 17-7-202, MCA, is amended to read:

"**17-7-202. Preparation of building programs and submission to department of administration -- statewide facility inventory and condition assessment.** (1) Before ~~July 1~~ *April 1* of the year preceding a legislative session, each state agency and institution shall submit to the architecture and engineering division of the department of administration, on forms furnished by the division, a proposed long-range building program for major repair projects and capital developments, if any, for the agency or institution *along with the agency's or institution's 6-year capital development facilities strategic plan. Excluding major repair projects greater than $2,500,000, the division may not include a capital development project request in the information provided pursuant to 17-7-202(4) without the project also being included in an agency's or institution's 6-year capital development facilities strategic plan, unless approved by the office of budget and program planning*. Each agency and institution shall furnish any additional information requested by the division relating to the utilization of or need for major repair projects and capital developments.

(2) (a) Except as provided in subsection (3), the division shall compile and maintain a statewide facility inventory and condition assessment that:

(i) for each state-owned building:

(A) identifies its location and total square footage;

(B) identifies the agency or agencies using or occupying the building and how much square footage each agency uses or occupies;

(C) lists the current replacement value of the building in its entirety and each agency's portion of the building; *and*

(D) identifies whether the building is a long-range building program-eligible building; *and*

(ii) for each long-range building program-eligible building:

(A) includes a facility condition assessment of the building and an itemized list of the building's deficiencies; and

(B) compares the building's current building deficiency ratio to its deficiency ratio in the previous biennium.

(b) The division may contract with a private vendor to collect, analyze, and compile the building information required in this subsection (2).

(c) The facility inventory and condition assessment must be updated as determined by the division.

(d) The division may incorporate in the statewide facility inventory and condition assessment any facility condition assessment or similar document compiled by an agency.

(e) The division shall provide the statewide facility inventory and condition assessment, including a calculation of the deferred maintenance backlog and overall building deficiency ratio of the long-range building program-eligible buildings, to the office of budget and program planning and the legislative finance committee by September 1 of the year preceding a *regular* legislative session in an electronic format. The division shall provide a copy of the report to the legislature in accordance with 5-11-210.

(3) The division is not required to include a state-owned building that has a current replacement value of ~~$150,000~~ *$300,000* or less in the facility inventory and condition assessment.

(4) The division shall examine the information furnished by each agency and institution and shall gather whatever additional information is necessary and conduct whatever surveys are necessary in order to provide a factual basis for determining the need for and the feasibility of major repair projects and capital developments. The information compiled by the division shall be submitted to the governor before October 1 of the year preceding a *regular* legislative session."

Section 13. Section 17-7-210, MCA, is amended to read:

"**17-7-210. Required funding for maintenance of newly authorized state buildings.** (1) If construction *or acquisition* of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance.

(2) (a) To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy *or acquisition*, the appropriation made pursuant to subsection (1) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) When a certificate of occupancy *or acquisition* for a new facility is received prior to the end of the fiscal year, the amount of the appropriation made pursuant to subsection (1) that reverts to its originating fund is the prorated amount from the beginning of the fiscal year to the date of the receipt of the certificate of occupancy."

Section 14. Section 17-7-223, MCA, is amended to read:

"**17-7-223. Major repair -- submission of list to legislature -- priorities.** (1) By November 15 of the year preceding a regular legislative session, the division shall, on behalf of all state agencies, submit a list of anticipated major repair projects to the governor. The governor shall review the list of anticipated long-range building program-eligible major repair projects recommended by the division and submit it to the legislature.

(2) The division shall ensure that the list identifies:

(a) single projects that cost more than ~~$150,000~~ *$300,000*;

(b) multiple projects within a single building or facility that collectively cost more than ~~$150,000~~ *$300,000*; and

(c) single projects that will be constructed in phases with an aggregate cost of more than ~~$150,000~~ *$300,000*.

(3) Unless otherwise directed by the legislature, the division shall execute major repair projects from the prioritized list submitted to the legislature up to the level of appropriation made by the legislature.

(4) In prioritizing major repair projects, the division shall consider the results of the statewide facility inventory and condition assessment prepared pursuant to 17-7-202.

(5) In prioritizing major repair projects, the division shall allocate at least 80% of the funds that the legislature appropriates for major repair to:

(a) projects that address:

(i) any issue that impacts health and safety;

(ii) failing building envelopes;

(iii) structural deficiencies;

(iv) energy, utility, or water savings;

(b) projects that upgrade, repair, or replace:

(i) mechanical, plumbing, or control systems;

(ii) electrical systems;

(iii) fixed equipment;

(iv) an essential building component; or

(v) infrastructure, including a utility tunnel, water line, gas line, sewer line, roof, parking lot, or road; or

(c) projects that demolish and replace an existing building or facility that is in extensive disrepair and cannot be fixed by repair or maintenance.

(6) In prioritizing major repair projects, the division shall allocate no more than 20% of the funds that the legislature appropriates for major repair to:

(a) remodeling and aesthetic upgrades to meet programmatic needs; or

(b) construct an addition to an existing building or facility."

Section 15. Section 3, Chapter 763, Laws of 2023, is amended to read:

The portion of section 3(1), Chapter 763, Laws of 2023, appropriating money from the capital development account to the department of administration for the indicated capital project is amended to read:

"DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

15,903,000 15,903,000

~~Up to $10,000,000 of funding for the project must be used for rebuilding a water line constructed by the state serving the Montana State Hospital. The department is authorized to contract with Anaconda-Deer Lodge County for this portion of the project at the department's discretion.~~"

Section 16. Transfer of funds. (1) By June 30, 2027, the department of administration shall transfer $150 million from the general fund to the capital developments long-range building program account established in 17-7-209.

(2) By July 1, 2025, the state treasurer shall transfer $2 million from the general fund to a state special account within the department of environmental quality for the purpose of leaking petroleum tank remediation.

Section 17. Transfer of funds -- plan and reporting. (1) By June 30, 2026, the state treasurer shall transfer $26.5 million from the capital developments long-range building program account established in 17-7-209 to the board of investments for the purposes of building a behavioral health facility.

(2) Prior to the transfer in subsection (1) taking place, the budget director shall adopt a plan from the board of investments and the department of public health and human services on the facility type and location. The board of investments and the department of public health and human services shall report to the health and human services interim budget committee established in 5-12-501 on the progress of choosing the facility type and location. Once a plan is adopted by the budget director, the board of investments and the department of public health and human services shall provide a progress report at each subsequent meeting of the health and human services interim budget committee and each subsequent meeting of the long-range planning budget committee that are held prior to December 31, 2026.

(3) Any unspent funds must revert to the capital developments long-range building program account.

Section 18. Coordination instruction. If both House Bill No. 217 and [this act] are passed and approved, then the reference to the department of environmental quality in [section 8 of this act] must be changed to "the department of administration architecture and engineering division".

Section 19. Section 14(1), Chapter 762, Laws of 2023, is amended to read:

"**Section 14. Appropriations.** (1) There is appropriated ~~$12.5~~ *$15* million from the account established in [section 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in subsections (2) and (3). *This appropriation is reappropriated for the purposes of the original appropriation until the funds are fully expended.*"

Section 20. Section 9(1), Chapter 739, Laws of 2023, is amended to read:

"**Section 9. Appropriations for capital projects.** (1) After the administrative rules have been adopted under [section 4] and only after the commission transmits its summary report on its recommendations to the governor after following the process set forth in [section 2], there is appropriated ~~$55~~ *$28.5* million to the department of administration from the capital developments long-range building program account in the capital projects fund type provided for in 17-7-209 for the behavioral health system for future generations capital development."

Section 21. Operations and maintenance appropriation. (1) The amount of $10 million is appropriated from the general fund to the department of public health and human services for the fiscal year beginning July 1, 2026, for program expansion or operations and maintenance for the indicated new setting.

(2) It is the intent of the legislature that the appropriation in subsection (1) become part of the base budget for the department of public health and human services for the biennium beginning July 1, 2027.

Section 22. Section 1, Chapter 468, Laws of 2021, is amended to read:

The portion of section 1, Chapter 468, Laws of 2021, appropriating money from the capital development account to the department of administration for the indicated capital project is amended to read:

"MONTANA UNIVERSITY SYSTEM

~~UM Forestry Conservation & Science Lab~~

~~25,000,000~~ ~~20,000,000~~ ~~45,000,000~~ "

Section 23. Section 3, Chapter 763, Laws of 2023, is amended to read:

The portion of section 3(1), Chapter 763, Laws of 2023, appropriating money from the capital development account to the department of administration for the indicated capital project is amended to read:

"MUS UM Clapp Building ~~Renovation~~ *Replacement*

~~27,000,000~~ ~~10,000,000~~ ~~37,000,000~~

52,000,000 *20,000,000* *72,000,000*"

Section 24. Combination of capital development appropriations. (1) The architecture and engineering division of the department of administration shall combine the UM Forestry Conservation & Science Lab capital project previously authorized in section 1, Chapter 468, Laws of 2021, with the Clapp Building Replacement capital project, previously authorized in section 3, Chapter 763, Laws of 2023. The combined appropriation must result in a single facility of not more than the gross square footage of the existing Clapp Building on the same site and may not expand existing programs into other UM facilities or result in any new programs.

(2) The architecture and engineering division of the department of administration may reutilize portions of the existing Clapp Building, including the basement, foundation, and utility systems, or other portions of the existing building, based on analysis of the existing facility taking into consideration existing asbestos containing materials, seismic and structural conditions, mechanical and electrical or plumbing systems, energy efficiency, functionality, UM program needs, and long-term operational and maintenance costs.

Section 25. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 26. Effective date. [This act] is effective on passage and approval.

Approved June 19, 2025

CHAPTER NO. 774

[HB 499]

AN ACT GENERALLY REVISING THE GROW YOUR OWN GRANT PROGRAM; PROVIDING THAT POSTSECONDARY INSTITUTIONS ARE ELIGIBLE FOR GRANTS UNDER THE PROGRAM; REVISING THE REQUIREMENT FOR EARNING POSTSECONDARY CREDITS WHILE IN HIGH SCHOOL; REMOVING THE REQUIREMENT FOR THE COMMISSIONER OF HIGHER EDUCATION TO CONVERT A GRANT TO A LOAN IN CERTAIN CIRCUMSTANCES; EXTENDING THE TERMINATION DATE FOR THE GROW YOUR OWN GRANT PROGRAM; PROVIDING A DEFINITION; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-4-601, MCA; AMENDING SECTION 6, CHAPTER 514, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 20-4-601, MCA, is amended to read:

"**20-4-601. (Temporary) Grow your own grant program -- administration.** (1) There is a grow your own grant program administered by the commissioner of higher education. The purpose of the grant program is to develop teacher pipelines aimed at serving rural and reservation school districts.

(2) (a) The grow your own grant program must involve:

(i) the opportunity for students to take dual credit courses in education while in high school;

(ii) the opportunity for students to engage in work-based learning opportunities in the field of education; and

(iii) collaboration between school districts and institutions of higher education in developing a career pathway for education.

(b) The grant program must allow and encourage small and proximate districts to collaborate in developing their grow your own grant programs.

(c) A school district is eligible for the program if the district has one or more schools impacted by a quality educator shortage.

(d) ~~A school district that is~~ *A postsecondary institution is* eligible for a grant under this section ~~may be awarded a grant for up to 2 years to develop a grow your own grant program~~.

(3) Contingent on appropriation by the legislature, the commissioner shall create and administer:

(a) a grant program for ~~eligible school districts~~ *eligible postsecondary institutions, in partnership with at least one eligible school district,* to develop *or expand* a grow your own grant program that encourages students to pursue a career in teaching; *and*

~~(b) a grant program for tribal colleges, community colleges, and 2-year campuses to:~~

~~(i) pursue accreditation for teacher preparation programs in the specific licensure or endorsement areas that are most impacted by quality educator shortages; or~~

~~(ii) develop collaborative programs with 4-year institutions with accredited teacher preparation programs in the specific licensure or endorsement areas that are most impacted by quality educator shortages, with an emphasis on collaborative programs that can be conducted in a manner that does not require residency at the 4-year institution; and~~

~~(c)~~*(b)* a grow your own grant scholarship program that provides a last-dollar grant of up to $5,000 a year, not to exceed the cost of attendance, and not to exceed $10,000 total for any student, to students who:

(i) have participated *or are participating* in a grow your own grant program, as described in subsection (3)(a)~~, while in high school and have earned at least 6 postsecondary credits toward an education degree or are living in a community with a school impacted by a quality educator shortage~~;

(ii) are currently enrolled in a teacher preparation program in a licensure or endorsement area identified as most impacted by quality educator shortages; ~~and~~

(iii) commit to teaching in a school impacted by a quality educator shortage*; and*

(iv) if participation in a grow your own grant program occurred solely during high school, earned at least 6 postsecondary credits toward an education degree.

~~(4) The commissioner shall convert a grant under subsection (3)(c) to a loan if the recipient of the grant:~~

~~(i) is not licensed in a licensure or endorsement area identified as most impacted by quality educator shortages within 5 years of receiving a grant; or~~

~~(ii) does not teach for 3 or more years in a school impacted by a quality educator shortage and in a licensure or endorsement area identified as most impacted by quality educator shortages within 10 years of receiving a grant.~~

~~(5)~~*(4)* The legislature intends that grants made to ~~school districts and~~ postsecondary institutions pursuant to ~~subsections (3)(a) and (3)(b)~~ *subsection (3)(a)* are one-time startup grants that include:

(a) a matching component provided by ~~the~~ *either a participating* school district or *the* postsecondary institution; and

(b) a plan by the school district or postsecondary institution to sustain programs beyond the term of the grant.

~~(6)~~*(5)* In accordance with 5-11-210, the commissioner shall report annually to the education interim committee on the status and impacts of the grant programs described in this section. *The report must include:*

(a) the number of students currently participating in a grow your own grant program;

(b) the number of former participants who hold a Montana teacher certificate; and

(c) the number of former participants who are teaching in the district where they participated in the grow your own grant program.

~~(7)~~*(6)* For *the* purposes of this section, *the following definitions apply:*

(a) "Postsecondary institution" means a unit of the Montana university system or a tribal college or community college located in the state.

(b) "~~quality~~ *Quality* educator shortage" means a shortage identified by the board of public education pursuant to 20-4-503. (Terminates June 30, ~~2027--sec. 6, Ch. 514, L. 2021~~ *2029*.)"

Section 2. Section 6, Chapter 514, Laws of 2021, is amended to read:

"**Section 6. Termination.** [This act] terminates June 30, ~~2027~~ *2029*."

Section 3. Appropriation. (1) There is appropriated $500,000 from the general fund to the commissioner of higher education for the biennium beginning July 1, 2025, for the purposes of [section 1].

(2) The legislature intends that the appropriation in this section be considered part of the ongoing base for the next legislative session.

Section 4. Effective date. [This act] is effective July 1, 2025.

Approved June 19, 2025

CHAPTER NO. 775

[HB 924]

AN ACT GENERALLY REVISING STATE FINANCE LAWS; CREATING THE MONTANA GROWTH AND OPPORTUNITY TRUST; PROVIDING FOR TRANSFERS OF VOLATILE REVENUES TO THE TRUST; PROVIDING FOR ANNUAL DISTRIBUTIONS OF INTEREST INCOME TO STATE SPECIAL REVENUE ACCOUNTS; PROVIDING FOR REINVESTMENT OF A PORTION OF THE TRUST FOR PENSIONS AND HOUSING; PROVIDING FOR CALCULATIONS RELATED TO VOLATILE REVENUE; ESTABLISHING A STATE PROPERTY RELIEF ACCOUNT; ESTABLISHING A MONTANA WATER DEVELOPMENT STATE SPECIAL REVENUE ACCOUNT; ESTABLISHING A BETTER LOCAL BRIDGE ACCOUNT; ESTABLISHING A MONTANA EARLY CHILDHOOD ACCOUNT, BOARD, AND FUNDING; PROVIDING PROPERTY TAX ASSISTANCE THAT IS DISTRIBUTED TO COUNTIES TO BE DISTRIBUTED AS A CREDIT TO CERTAIN PRIMARY

RESIDENCES; REQUIRING THE DEPARTMENT OF REVENUE TO CERTIFY PRIMARY RESIDENCES; PROVIDING A PENALTY FOR FALSE OR FRAUDULENT PRIMARY RESIDENCE APPLICATIONS; PROVIDING AN APPEALS PROCESS FOR CERTIFICATION OF A PRIMARY RESIDENCE; PROVIDING A DEFINITION; TRANSFERRING AUTHORITY FOR CERTAIN HOUSING LOANS FROM THE COAL TAX TRUST FUND TO THE MONTANA GROWTH AND OPPORTUNITY TRUST; ESTABLISHING A PENSION FUND; ESTABLISHING THE MONTANA HOUSING TRUST; ALLOWING FOR ADDITIONAL USES OF THE DEBT AND LIABILITY FREE FUND; LIMITING THE TRANSFER OF VOLATILE REVENUE WHEN GENERAL FUND DEFICIT IS CERTIFIED OR OPERATING RESERVE IS ESTIMATED AT A CERTAIN AMOUNT; PROVIDING FOR TRANSFERS FROM THE PENSION FUND TO THE TEACHERS' RETIREMENT SYSTEM OR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM ON CERTIFICATION OF THE RETIREMENT SYSTEM BOARD; PROVIDING FOR AN INCREASE TO THE EMPLOYER SUPPLEMENTAL CONTRIBUTION RATE; PROVIDING FOR FUND TRANSFERS; PROVIDING APPROPRIATIONS; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-7-102, 15-10-420, 15-15-101, 15-15-102, 15-15-103, 15-16-101, 15-17-125, 15-38-302, 17-6-214, 17-6-308, 17-6-317, 17-7-130, 17-7-140, 19-3-316, 19-20-609, 85-1-631, 90-6-137, AND 90-6-603, MCA; AMENDING SECTION 5, CHAPTER 48, LAWS OF 2023; REPEALING SECTION 17-7-134, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Montana growth and opportunity trust. (1) There is a Montana growth and opportunity trust in the permanent fund type funded by annual transfers of volatile revenues as provided for in [section 5]. The trust is administered by the department of revenue.

(2) Transfers into the trust are deposited as follows:

(a) one-half into the distribution portion of the trust; and

(b) one-half into the reinvestment portion of the trust.

(3) (a) Money deposited in the account established in this section must be invested by the board of investments as provided by law.

(b) If allowed by law, the board of investments may invest funds in the trust in higher-yielding investments.

(4) A bill appropriating funds from the corpus of the trust must be treated in the same manner as a bill creating state debt and requires a vote of two-thirds of the members of each house of the legislature for passage.

Section 2. Distributions from Montana growth and opportunity trust. (1) Except as provided in subsection (3), interest earnings from the transfers into the distribution portion of the Montana growth and opportunity trust established in [section 1] are allocated as follows:

(a) 40% to the state property tax assistance account established in [section 14], up to $20 million a year;

(b) 20% to the Montana water development state special revenue account established in [section 15], up to $10 million a year;

(c) 20% to the better local bridge state special revenue account established in [section 16], up to $10 million a year; and

(d) 20% to the Montana early childhood state special revenue account established in [section 17], up to $10 million a year.

(2) Any remaining interest earnings after the distribution in subsection (1) must be transferred into the Montana growth and opportunity trust established in [section 1].

(3) (a) By August 15 of each year, the state treasurer shall determine whether the previous fiscal year ending fund balance of an account referenced in subsection (1) is greater than the appropriation to the same account for the current year. If the account's ending fund balance exceeds the appropriation, the difference remains in the distribution portion of the trust and is not transferred into that account.

(b) This subsection (3) does not apply to transfers into the state property tax assistance account.

Section 3. Reinvestment of growth and opportunity trust. Transfers into the reinvestment portion of the Montana growth and opportunity trust established in [section 1] are allocated as follows:

(1) 80% to the pension fund provided for in [section 18] until the balance in the fund equals $1 billion; and

(2) 20% to a Montana housing trust provided for in [section 26] until the balance in the Montana housing trust equals $500 million.

(3) Any remaining transfer amount must remain in the reinvestment portion of the trust and is not allocated to any purpose.

Section 4. Interest earnings. Interest earnings from the distribution portion and the pension fund within the growth and opportunity trust are combined for purposes of calculating the total amount of interest earnings and are distributed as follows:

(1) 50% pursuant to the accounts which comprise the distribution portion of the trust in the percentages set forth in [section 2]; and

(2) 50% to the pension fund established in [section 18].

Section 5. Volatile revenue -- transfer to Montana growth and opportunity trust. (1) Except as provided in subsection (6), in the fiscal year beginning July 1, 2027, and in each subsequent fiscal year until June 30, 2035, by November 1, the state treasurer shall calculate the amount of volatile revenue from the general fund for that fiscal year. The state treasurer shall transfer 17.5% of the amount of volatile revenue by November 1 and 17.5% of the amount of volatile revenue by May 1 to the Montana growth and opportunity trust established in [section 1].

(2) Except as provided in subsection (6), starting in the fiscal year beginning July 1, 2035, the state treasurer shall transfer 10% of the amount of volatile revenue by November 1 and 10% of the amount of volatile revenue by May 1 to the Montana growth and opportunity trust established in [section 1].

(3) The amount of volatile revenue is an amount equal to:

(a) the sum of capital gains volatile revenue and partnership volatile revenue; and

(b) a portion of interest earnings from the treasury cash account in 17-6-202 as defined pursuant to subsection (4).

(4) The amount of interest earnings from the treasury cash account in 17-6-202 defined as volatile revenue pursuant to subsection (3) is the difference between:

(a) the estimate of interest earnings on the treasury cash account in 17-6-202 as provided in the most recent official revenue estimate provided for in 5-5-227; and

(b) the lowest actual amount of interest earnings on the treasury cash account in 17-6-202 within the most recent 7 years of available data as certified to the legislative fiscal analyst and the budget director by the department of administration and adjusted for inflation pursuant to subsection (7).

(5) For the purposes of this section, the following calculations apply:

(a) "Capital gains increment" is the difference between:

(i) the current calendar year's capital gains estimate as described in the most recent official revenue estimate provided for in 5-5-227; and

(ii) the lowest reported capital gains income from any year within the most recent 7 years of available data, as published in the department of revenue's biennial report provided for in 15-1-205 and adjusted for inflation pursuant to subsection (7).

(b) "Capital gains volatile revenue" is calculated by multiplying the capital gains increment by the rate established in 15-30-2103(2)(a)(ii).

(c) "Partnership increment" is the difference between:

(i) the current calendar year's rents, royalty, and partnership estimate as described in the most recent official revenue estimate provided for in 5-5-227; and

(ii) the lowest reported rents, royalty, and partnership income from any year within the most recent 7 years of available data, as published in the department of revenue's biennial report provided for in 15-1-205 and adjusted for inflation pursuant to subsection (7).

(d) "Partnership volatile revenue" is calculated by multiplying the partnership increment by the rate established in 15-30-2103(1)(a)(ii).

(6) (a) By August 1 of each year, the department of administration shall certify to the legislative fiscal analyst and the budget director the unaudited, unassigned ending fund balances for the most recently completed fiscal year of:

(i) the general fund; and

(ii) the budget stabilization reserve fund provided for in 17-7-130.

(b) If the sum of the ending fund balances for the general fund and budget stabilization reserve fund equal an amount less than 20% of all general revenue appropriations in the second year of the biennium, then the amount of the transfers in subsection (1) is reduced by 50% for the fiscal year.

(7) For the purpose of adjusting for inflation, inflation is based on the consumer price index as defined in 20-9-326, and as published by the bureau of labor statistics of the United States department of labor for the most recently completed calendar year.

Section 6. Section 15-7-102, MCA, is amended to read:

"**15-7-102. Notice of classification, market value, and taxable value to owners -- appeals.** (1) (a) Except as provided in 15-7-138, the department shall mail or provide electronically to each owner or purchaser under contract for deed a notice that includes the land classification, market value, and taxable value of the land and improvements owned or being purchased. A notice must be mailed or, with property owner consent, provided electronically to the owner only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

(i) change in ownership;

(ii) change in classification;

(iii) change in valuation; or

(iv) addition or subtraction of personal property affixed to the land.

(b) The notice must include the following for the taxpayer's informational and informal classification and appraisal review purposes:

(i) a notice of the availability of all the property tax assistance programs available to property taxpayers, including *the state property tax assistance provided for in [section 35],* the intangible land value assistance program provided for in 15-6-240, the property tax assistance programs provided for in Title 15, chapter 6, part 3, and the residential property tax credit for the elderly provided for in 15-30-2337 through 15-30-2341;

(ii) the total amount of mills levied against the property in the prior year;

(iii) the market value for the prior reappraisal cycle;

(iv) if the market value has increased by more than 10%, an explanation for the increase in valuation;

(v) a statement that the notice is not a tax bill; and

(vi) a taxpayer option to request an informal classification and appraisal review by checking a box on the notice and returning it to the department.

(c) When the department uses an appraisal method that values land and improvements as a unit, including the sales comparison approach for residential condominiums or the income approach for commercial property, the notice must contain a combined appraised value of land and improvements.

(d) Any misinformation provided in the information required by subsection (1)(b) does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(2) (a) Except as provided in subsection (2)(c), the department shall assign each classification and appraisal to the correct owner or purchaser under contract for deed and mail or provide electronically the notice in written or electronic form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(c) The department is not required to mail or provide electronically the notice to a new owner or purchaser under contract for deed unless the department has received the realty transfer certificate from the clerk and recorder as provided in 15-7-304 and has processed the certificate before the notices required by subsection (2)(a) are mailed or provided electronically. The department shall notify the county tax appeal board of the date of the mailing or the date when the taxpayer is informed the information is available electronically.

(3) (a) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market value of the property as determined by the department or with the classification of the land or improvements, the owner may request an informal classification and appraisal review by submitting an objection on written or electronic forms provided by the department for that purpose or by checking a box on the notice and returning it to the department in a manner prescribed by the department.

(i) For property other than class three property described in 15-6-133, class four property described in 15-6-134, class ten property described in 15-6-143, and centrally assessed property described in 15-23-101, the objection must be submitted within 30 days from the date on the notice.

(ii) For class three property described in 15-6-133, class four property described in 15-6-134, and class ten property described in 15-6-143, the objection may be made only once each valuation cycle. An objection must be made in writing or by checking a box on the notice within 30 days from the date on the classification and appraisal notice for a reduction in the appraised value to be considered for both years of the 2-year valuation cycle. An objection made more than 30 days from the date of the classification and appraisal notice will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to the second year of the valuation cycle, the taxpayer shall make the objection in writing or by checking a box on the notice no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is received in the second year of the valuation cycle, within 30 days from the date on the notice.

(iii) For centrally assessed property described in 15-23-101(2)(a), the objection must be submitted within 20 days from the date on the notice. A taxpayer may submit an objection up to 10 days after this deadline on request to the department.

(iv) (A) For centrally assessed property described in 15-23-101(2)(b) and (2)(c), an objection to the valuation or classification may be made only once each valuation cycle. An objection must be made in writing within the time period specified in subsection (3)(a)(iii) for a reduction in the appraised value to be considered for both years of the 2-year valuation cycle. An objection made after the deadline specified in subsection (3)(a)(iii) will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to the second year of the valuation cycle, the taxpayer shall make the objection in writing no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is received in the second year of the valuation cycle, within the time period specified in subsection (3)(a)(iii).

(B) If a property owner has exhausted the right to object to a valuation, as provided for in subsection (3)(a)(iv)(A), the property owner may ask the department to consider extenuating circumstances to adjust the value of property described in 15-23-101(2)(b) or (2)(c). Occurrences that may result in an adjustment to the value include but are not limited to extraordinary, unusual, or infrequent events that are material in nature and of a character different from the typical or customary business operations, that are not expected to recur frequently, and that are not normally considered in the evaluation of the operating results of a business, including bankruptcies, acquisitions, sales of assets, or mergers.

(b) If the objection relates to residential or commercial property and the objector agrees to the confidentiality requirements, the department shall provide to the objector, by posted mail or electronically, within 8 weeks of submission of the objection, the following information:

(i) the methodology and sources of data used by the department in the valuation of the property; and

(ii) if the department uses a blend of evaluations developed from various sources, the reasons that the methodology was used.

(c) At the request of the objector or a representative of the objector, and only if the objector or representative signs a written or electronic confidentiality agreement, the department shall provide in written or electronic form:

(i) comparable sales data used by the department to value the property;

(ii) sales data used by the department to value residential property in the property taxpayer's market model area; and

(iii) if the cost approach was used by the department to value residential property, the documentation required in 15-8-111(3) regarding why the comparable sales approach was not reliable.

(d) For properties valued using the income approach as one approximation of market value, notice must be provided that the taxpayer will be given a form to acknowledge confidentiality requirements for the receipt of all aggregate model output that the department used in the valuation model for the property.

(e) The review must be conducted informally and is not subject to the contested case procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual selling price of the property and other relevant information presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The department shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was completed within 6 months of the valuation date pursuant to 15-8-201. If the department does not use the appraisal

provided by the taxpayer in conducting the appeal, the department shall provide to the taxpayer the reason for not using the appraisal. The department shall give reasonable notice to the taxpayer of the time and place of the review.

(f) After the review, the department shall determine the correct appraisal and classification of the land or improvements and notify the taxpayer of its determination by mail or electronically. The department may not determine an appraised value that is higher than the value that was the subject of the objection unless the reason for an increase was the result of a physical change in the property or caused by an error in the description of the property or data available for the property that is kept by the department and used for calculating the appraised value. In the notification, the department shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an appraisal or classification upon the taxpayer's objection unless:

(a) the taxpayer has submitted an objection on written or electronic forms provided by the department or by checking a box on the notice; and

(b) the department has provided to the objector by mail or electronically its stated reason in writing for making the adjustment.

(5) A taxpayer's written objection or objection made by checking a box on the notice and supplemental information provided by a taxpayer that elects to check a box on the notice to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. The department shall make the records available for inspection during regular office hours.

(6) Except as provided in 15-2-302 and 15-23-102, if a property owner feels aggrieved by the classification or appraisal made by the department after the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the department's determination. A county tax appeal board or the Montana tax appeal board may consider the actual selling price of the property, independent appraisals of the property, negative property features that differentiate the subject property from the department's comparable sales, and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the Montana tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order."

Section 7. Section 15-10-420, MCA, is amended to read:

"**15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

(i) annexation of real property and improvements into a taxing unit;

(ii) construction, expansion, or remodeling of improvements;

(iii) transfer of property into a taxing unit;

(iv) subdivision of real property; and

(v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

(i) a change in the boundary of a tax increment financing district;

(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

(iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

(a) school district levies established in Title 20; or

(b) a mill levy imposed for a newly created regional resource authority.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

(a) may increase the number of mills to account for a decrease in reimbursements; ~~and~~

(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7)*; and*

(c) may not include revenue distributed to a county to provide state property tax assistance pursuant to [section 35].

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402;

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

(iv) a levy for the support of a study commission under 7-3-184;

(v) a levy for the support of a newly established regional resource authority;

(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

(vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary;

(viii) a levy used to fund the sheriffs' retirement system under 19-7-404(3)(b); or

(ix) a governmental entity from levying mills for the support of an airport authority in existence prior to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past. The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit."

Section 8. Section 15-15-101, MCA, is amended to read:

"**15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and with the members to serve staggered terms of 3 years each. The members of each county tax appeal board must be residents of the county in which they serve. A person may not be a member of a county tax appeal board if the person was an employee of the department less than 36 months before the date of appointment.

(2) (a) The members receive compensation as provided in subsection (2)(b) and travel expenses, as provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the Montana

tax appeal board. Travel expenses and compensation must be paid from the appropriation to the Montana tax appeal board.

(b) (i) The daily compensation for a member is as follows:

(A) $45 for 4 hours of work or less; and

(B) $90 for more than 4 hours of work.

(ii) For the purpose of calculating work hours in this subsection (2)(b), work includes hearing tax appeals, deliberating with other board members, and attending meetings called by the Montana tax appeal board.

(3) Office space and equipment for the county tax appeal boards must be furnished by the county. All other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

(4) The county tax appeal board shall hold an organizational meeting each year on the date of its first scheduled hearing, immediately before conducting the business for which the hearing was otherwise scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the board. The county tax appeal board shall continue in session from July 1 of the current tax year until December 31 of the current tax year to hear protests concerning assessments made by the department until the business of hearing protests is disposed of and may meet after December 31 to hear an appeal at the discretion of the county tax appeal board.

(5) In counties that have appointed more than three members to the county tax appeal board, only three members shall hear each appeal. The presiding officer shall select the three members hearing each appeal.

(6) In connection with an appeal, the county tax appeal board may change any assessment or fix the assessment at some other level *or determine eligibility as a primary residence pursuant to [section 36]*. Upon notification by the county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers, giving the time the county tax appeal board will be in session to hear scheduled protests concerning assessments and the latest date the county tax appeal board may take applications for the hearings. The notice must be published in a newspaper if any is printed in the county or, if none, then in the manner that the county tax appeal board directs. The notice must be published by May 15 of the current tax year.

(7) Challenges to a department rule governing the assessment of property or to an assessment procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in 15-1-406."

Section 9. Section 15-15-102, MCA, is amended to read:

"**15-15-102. Application for reduction in valuation -- *certification as primary residence.*** (1) The *county tax appeal board may not reduce the* valuation of property ~~may not be reduced by the county tax appeal board~~ *or review eligibility as a primary residence under [section 36]* unless either the taxpayer or the taxpayer's agent makes and files a written application ~~for reduction~~ with the county tax appeal board.

(2) The application ~~for reduction~~ may be obtained at the local appraisal office or from the county tax appeal board. The completed application must be submitted to the county clerk and recorder. The date of receipt is the date stamped on the appeal form by the county clerk and recorder upon receipt of the form. The county tax appeal board is responsible for obtaining the applications from the county clerk and recorder.

(3) One application ~~for reduction~~ may be submitted during each valuation cycle. The application must be submitted within the time periods provided for in 15-7-102(3)(a) *or [section 38]*.

(4) A taxpayer who receives an informal review by the department of revenue as provided in 15-7-102(3)(a)(i) and (3)(a)(ii) *or [section 38]* may appeal the decision of the department of revenue to the county tax appeal board as provided in *[section 38(2)] and* 15-7-102(6). The taxpayer may not file a subsequent application ~~for reduction~~ for the same property with the county tax appeal board during the same valuation cycle.

(5) If the department's determination after review is not made in time to allow the county tax appeal board to review the matter during the current tax year, the appeal must be reviewed during the next tax year, but the decision by the county tax appeal board is effective for the year in which the request for review was filed with the department. The application must state the post-office address of the applicant, specifically describe the property involved, and state the facts upon which it is claimed the reduction should be made *or the property should be certified as a primary residence*."

Section 10. Section 15-15-103, MCA, is amended to read:

"**15-15-103. Examination of applicant -- failure to hear application.** (1) Before the county tax appeal board grants any application or makes any reduction applied for, it shall examine on oath the person or agent making the application with regard to the value of the property of the person *or eligibility as a primary residence pursuant to [section 36]*. A reduction may not be made *or a property certified as a primary residence* unless the applicant makes an application, as provided in 15-15-102, and attends the county board hearing. An appeal of the county board's decision may not be made to the Montana tax appeal board unless the person or the person's agent has exhausted the remedies available through the county board. In order to exhaust the remedies, the person or the person's agent shall attend the county board hearing. On written request by the person or the person's agent and on the written concurrence of the department, the county board may waive the requirement that the person or the person's agent attend the hearing. The testimony of all witnesses at the hearing and the deliberation of the county tax appeal board in rendering a decision must be electronically recorded and preserved for 1 year. If the decision of the county board is appealed, the record of the proceedings, including the electronic recording of all testimony and the deliberation of the county tax appeal board, must be forwarded, together with all exhibits, to the Montana board. The date of the hearing, the proceedings before the county board, and the decision must be entered upon the minutes of the county board, and the county board shall notify the applicant of its decision by mail within 3 days. A copy of the minutes of the county board must be transmitted to the Montana board no later than 3 days after the county board holds its final hearing of the year.

(2) (a) Except as provided in 15-15-201, if a county board refuses or fails to hear a taxpayer's timely application for a reduction in valuation of property *or eligibility as a primary residence*, the taxpayer's application is considered to be granted on the day following the county board's final meeting for that year. The department shall enter the appraisal*,* ~~or~~ classification*, or eligibility as a primary residence* sought in the application in the property tax record. An application is not automatically granted for the following appeals:

(i) those listed in 15-2-302(1); and

(ii) if a taxpayer's appeal from the department's determination of classification or appraisal made pursuant to 15-7-102 was not received in time, as provided for in 15-15-102, to be considered by the county board during its current session.

(b) The county board shall provide written notification of each application that was automatically granted pursuant to subsection (2)(a) to the department,

the Montana board, and any affected municipal corporation. The notice must include the name of the taxpayer and a description of the subject property.

(3) The county tax appeal board shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was conducted within 6 months of the valuation date. If the county tax appeal board does not use the appraisal provided by the taxpayer in conducting the appeal, the county board shall provide to the taxpayer the reason for not using the appraisal."

Section 11. Section 15-16-101, MCA, is amended to read:

"**15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the receipt of the property tax record, the county treasurer shall publish a notice specifying:

(a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount then due will be delinquent and will draw interest at the rate of 5/6 of 1% a month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty;

(b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the rate of 5/6 of 1% a month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty; and

(c) the time and place at which payment of taxes may be made.

(2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice, postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due and delinquent for other years. The written notice must include:

(i) the taxable value of the property;

(ii) the total mill levy applied to that taxable value;

(iii) itemized city services and special improvement district assessments collected by the county;

(iv) the number of the school district in which the property is located;

(v) the amount of the total tax due itemized by mill levy that is levied as city tax, county tax, state tax, school district tax, and other tax *and, for a primary residence, the total amount of state property tax assistance received under [section 35]*;

(vi) an indication of which mill levies are voted levies, including voted levies to impose a new mill levy, to increase a mill levy that is required to be submitted to the electors, or to exceed the mill levy limit provided for in 15-10-420;

(vii) except as provided in subsection (2)(c), an itemization of the taxes due for each mill levy and a comparison to the amount due for each mill levy in the prior year; and

(viii) a notice of the availability of all the property tax assistance programs available to property taxpayers, including *the state property tax assistance provided for in [section 35],* the intangible land value assistance program provided for in 15-6-240, the property tax assistance programs under Title 15, chapter 6, part 3, and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341.

(b) If a tax lien is attached to the property, the notice must also include, in a manner calculated to draw attention, a statement that a tax lien is attached to the property, that failure to respond will result in loss of property, and that the taxpayer may contact the county treasurer for complete information.

(c) The information required in subsection (2)(a)(vii) may be posted on the county treasurer's website instead of being included on the written notice.

(3) The municipality shall, upon request of the county treasurer, provide the information to be included under subsection (2)(a)(iii) ready for mailing.

(4) The notice in every case must be given as provided in 7-1-2121. Failure to publish or post notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the current year or of delinquent tax will not affect the legality of the tax.

(5) If the department revises an assessment that results in an additional tax of $5 or less, an additional tax is not owed and a new tax bill does not need to be prepared."

Section 12. Section 15-17-125, MCA, is amended to read:

"**15-17-125. Attachment of tax lien and preparation of tax lien certificate.** (1) (a) The county treasurer shall attach a tax lien no later than the first working day in August to properties on which the taxes are delinquent and for which proper notification was given as provided in 15-17-122 and subsection (4) of this section. Upon attachment of a tax lien, the county is the possessor of the tax lien unless the tax lien is assigned pursuant to 15-17-323.

(b) The county treasurer may not attach a tax lien to a property on which taxes are delinquent but for which proper notice was not given.

(2) After attaching a tax lien, the county treasurer shall prepare a tax lien certificate that must contain:

(a) the date on which the property taxes became delinquent;

(b) the date on which a property tax lien was attached to the property;

(c) the name and address of record of the person to whom the taxes were assessed;

(d) a description of the property on which the taxes were assessed;

(e) a separate listing of the amount of the delinquent taxes, penalties, interest, and costs;

(f) a statement that the tax lien certificate represents a lien on the property that may lead to the issuance of a tax deed for the property;

(g) a statement specifying the date on which the county or an assignee will be entitled to a tax deed; and

(h) an identification number corresponding to the tax lien certificate.

(3) The tax lien certificate must be signed by the county treasurer. A copy of the tax lien certificate must be filed by the treasurer in the office of the county clerk. A copy of the tax lien certificate must also be mailed to the person to whom the taxes were assessed, at the address of record, together with a notice that the person may contact the county treasurer for further information on property tax liens.

(4) Prior to attaching a tax lien to the property, the county treasurer shall send notice of the pending attachment of a tax lien to the person to whom the property was assessed. The notice must include the information listed in subsection (2), state that the tax lien may be assigned to a third party, and provide notice of the availability of all the property tax assistance programs available to property taxpayers, including *the state property tax assistance provided for in [section 35],* the property tax assistance programs under Title 15, chapter 6, part 3, and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341. The notice must have been mailed at least 2 weeks prior to the date on which the county treasurer attaches the tax lien.

(5) The county treasurer shall file the tax lien certificate with the county clerk and recorder."

Section 13. Section 15-38-302, MCA, is amended to read:

"**15-38-302. Natural resources projects state special revenue account created -- revenue allocated -- limitations on appropriations from account.** (1) There is a natural resources projects state special revenue account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the natural resources projects state special revenue ~~account money allocated from~~:

(a) the interest income of the resource indemnity trust fund under the provisions of 15-38-202;

(b) the resource indemnity and ground water assessment tax under the provisions of 15-38-106;

(c) the oil and natural gas production tax as provided in 15-36-331; ~~and~~

(d) the excess of the coal severance tax proceeds allocated by 85-1-603 to the renewable resource loan debt service fund above debt service requirements as provided in and subject to the conditions of 85-1-619*; and*

(e) 10% of the interest earned from the Montana water development state special revenue account established in [section 15] to be used for water storage pilot projects and dam inspections required under 85-15-213.

(3) Appropriations may be made from the natural resources projects state special revenue account for grants and loans for designated projects and the activities authorized in 85-1-602 and 90-2-1102.

(4) The account retains its own interest."

Section 14. State property tax assistance account. (1) There is a state property tax assistance account in the state special revenue fund established in 17-2-102. The revenue allocated to the account as provided in [section 2] must be deposited in the account and distributed as provided in this section.

(2) (a) At the end of each fiscal year, if the balance in the account exceeds $50 million, the department shall determine the amount of property tax assistance per primary residence by subtracting the amounts listed in subsection (2)(c) and dividing the remainder by the total number of primary residences certified pursuant to [section 36].

(b) By August 31 of each year, the department shall distribute to each county the property tax assistance per primary residence multiplied by the number of primary residences within the county. The county shall deposit the money in the account in which property tax revenue is held and use the distribution to provide property tax assistance pursuant to [section 35].

(c) The department may retain 2% of the revenue allocated to the account for administering the certification of primary residences under [section 36] and shall retain $100,000 for appeals granted under [section 38].

(3) The department shall provide each county with a list of property in the county that the department certifies pursuant to [section 36] qualifies as a primary residence to enable the county treasurer to administer the property tax assistance.

(4) A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(a) file a financial report required by 15-1-504;

(b) remit any amounts collected on behalf of the state as required by 15-1-504; or

(c) remit any other amounts owed to the state or another taxing jurisdiction.

Section 15. Montana water development state special revenue account. (1) (a) There is a Montana water development state special revenue fund as provided for in 17-2-102 to the credit of the department of natural resources and conservation.

(b) The fund retains its own interest.

(c) The account is composed of revenue gifted to the state or transferred to the account by the legislature and interest generated by the account.

(2) Ninety percent of the earnings from the investment must be distributed to the water storage state special revenue account established in 85-1-631.

(3) Ten percent of the earnings from the investment must be distributed to the natural resources projects state special revenue account established in 15-38-302 to be used for water storage pilot projects and dam inspections required under 85-15-213.

Section 16. Better local bridge state special revenue account -- rulemaking. (1) There is an account in the state special revenue fund provided for in 17-2-102 to be known as the better local bridge fund account to the credit of the department of transportation.

(2) There must be deposited in the account money received pursuant to [section 5].

(3) The account may be used for:

(a) grants to local government for the costs associated with engineering and construction of local, off-system bridges; and

(b) administrative costs for the department of transportation, not to exceed 5% of revenue received.

(4) Grants to local governments must include no less than 20% local matching funds.

(5) The department shall enact rules for distribution of annual grants to local governments.

(6) The account retains its own interest.

Section 17. Montana early childhood account -- nonsupplantation of funds. (1) There is a Montana early childhood account in the state special revenue fund in the state treasury to the credit of the department of public health and human services.

(2) Funds deposited in the Montana early childhood account may only be used for the programs and grants authorized in [section 20] and may not be used to pay the expenses of any other program or service administered in whole or in part by the department of public health and human services or any other state government entity.

(3) Private contributions to the Montana early childhood account are excluded for purposes of calculating the account's ending fund balance or limiting transfers into the account pursuant to [section 2].

(4) The account retains its own interest.

Section 18. Pension fund. There is a pension portion of the Montana growth and opportunity trust established [section 1].

(2) The account is funded by a distribution pursuant to 17-6-214, 17-7-130, and transfers made pursuant to [section 5].

(3) Funds in the account may only be used to transfer into a state-administered pension fund.

(4) In any 2-year period, no more than $300 million may be transferred from the pension section of the Montana growth and opportunity trust for the purposes outlined in subsections (5) and (6).

(5) (a) On certification by the teachers' retirement board, the state treasurer shall transfer no more than 25% of the balance of this fund to the teachers' retirement system to ensure that the system meets its long-term rate of return assumption if the inception-to-date market rate of return as of June 30 in the previous 2 consecutive fiscal years is less than the current actuarially assumed rate of return set by the teachers' retirement board.

(b) The amount of a transfer authorized in subsection (5)(a) is limited to the amount necessary to bring the inception-to-date market rate of return as of

June 30 in the previous fiscal year up to the actuarially assumed rate of return set by the teachers' retirement board.

(c) When applicable, the teachers' retirement board shall determine and shall certify to the state treasurer the amount of the transfer required under this section. The state treasurer shall transfer the certified amount to the pension trust fund within 30 days following receipt of certification from the teachers' retirement board.

(6) (a) On certification by the public employees' retirement board, the state treasurer shall transfer no more than 25% of the balance of this fund to the public employees' retirement system to ensure that the system meets its long-term rate of return assumption if the inception-to-date market rate of return as of June 30 in the previous 2 consecutive fiscal years is less than the current actuarially assumed rate of return set by the public employees' retirement board.

(b) The amount of a transfer authorized in subsection (6)(a) is limited to the amount necessary to bring the inception-to-date market rate of return as of June 30 in the previous fiscal year up to the actuarially assumed rate of return set by the public employees' retirement board.

(c) When applicable, the public employees' retirement board shall determine and shall certify to the state treasurer the amount of the transfer required under this section. The state treasurer shall transfer the certified amount to the pension trust fund within 30 days following receipt of certification from the public employees' retirement board.

Section 19. Montana early childhood account board. (1) There is a Montana early childhood account board consisting of ten members appointed by the governor as follows:

(a) two members who are employees of the department of public health and human services, including one employee of the early childhood and family support division and one employee of the division of the department that oversees American Indian health;

(b) one member who is an employee of the department of labor and industry;

(c) one member who is an employee of the office of public instruction;

(d) one member who is an employee of the department of commerce;

(e) two members representing state and local community early childhood organizations;

(f) two Montana child-care providers; and

(g) a parent with a child or children under the age of 6 in child care.

(2) A member's term is 3 years. Initial appointments may specify a shorter length of the initial term to stagger the terms. Vacancies must be filled for the balance of an unexpired term. A member of the board may be reappointed.

(3) The board is allocated to the department of public health and human services for administrative purposes only, as provided in 2-15-121. The department may employ staff and adopt rules to carry out the duties as described in [sections 19 through 22].

(4) Unless otherwise provided by law, each member is entitled to be reimbursed for travel expenses incurred, as provided in 2-18-501 through 2-18-503, while performing board duties.

Section 20. Eligible uses of Montana early childhood account. (1) The Montana early childhood account board established in [section 19] shall use the money in the Montana early childhood account provided for in [section 17] to fund services and activities under the eligibility criteria below approved by the Montana early childhood account board established in [section 19].

(2) Eligible purposes for which the board may authorize include:

(a) early care and education provider support and workforce development, including:

(i) technical assistance grants that offer funding to start or expand child-care businesses, community-level partnerships, and program access strategies;

(ii) grants to support early childhood postsecondary education, certifications, apprenticeship, training, and continuing education to grow the workforce of early childhood professionals; and

(iii) recruitment and retention grants to provide workforce benefits, stipends, or supplements to retain qualified workers;

(b) quality improvement initiatives, including accreditation support, curriculum development, safety upgrades, and supports for infants, toddlers, and children with special needs;

(c) affordability initiatives, including expansion of licensed before-school and after-school care, the state child care subsidy program, and temporary child care assistance programs for families facing sudden financial hardship;

(d) innovation initiatives, including community child-care expansion programs and early learning and early childhood intervention access programs; and

(e) emergency assistance and disaster relief programs for impacted child-care facilities.

(3) In administering funding from the early childhood account, the board shall:

(a) determine funding priorities for services and activities using the department of public health and human services' early childhood system strategic plan and comprehensive fiscal analysis;

(b) establish further criteria for the receipt of program funds;

(c) monitor the expenditure of funds by organizations receiving funds under this section; and

(d) evaluate the efficacy of services and activities funded under this section.

(4) By September 1 of each year, the department shall report to the education interim committee and the children, families, health, and human services interim committee in accordance with 5-11-210 on the services and activities funded under this section

Section 21. Gifts and grants to programs. (1) The Montana early childhood account board may accept contributions, gifts, and grants, of money or otherwise, to the programs described in [section 20]. Monetary gifts, contributions, and grants earmarked for the Montana early childhood account must be paid into the account established in [section 17] and expended pursuant to 17-8-101(2).

(2) Funds accepted pursuant to this section may qualify for the Montana endowment tax credit.

Section 22. Program costs -- annual report. (1) The costs incurred by the Montana early childhood account board in administering the programs described in [section 20] must be paid for with money from the Montana early childhood account provided for in [section 17]. The board shall keep costs to a minimum and use existing office space, personnel, equipment, and supplies of the department of public health and human services to the extent possible.

(2) (a) By September 1 of each year, the department shall provide a written report to the children, families, health, and human services interim committee in accordance with 5-11-210.

(b) The report must include the following information for each program or grant:

(i) the project or activity for which it was awarded;

(ii) the amount of the grant;
(iii) proposed and actual uses of grant funds;
(iv) the duration; and
(v) its recipient.

Section 23. Section 17-6-214, MCA, is amended to read:

"**17-6-214. Debt and liability free account -- rules for deposits and transfers -- purpose.** (1) There is an account in the state special revenue fund established by 17-2-102 known as the debt and liability free account.

(2) The purpose of the debt and liability free account is ~~to~~ *as follows*:

(a) *to* pay the principal, interest, premiums, and any costs or fees associated with redeeming outstanding bonds, notes, or other obligations that have been authorized and issued pursuant to the laws of Montana and that are currently subject to optional redemption;

(b) *to* pay the principal, interest, premiums, and any costs or fees associated with defeasing outstanding bonds, notes, or other obligations that have been authorized and issued pursuant to the laws of Montana that are not currently subject to optional redemption;

(c) *to* forego or reduce the amount of an issuance of general obligation bonds paid from the general fund authorized by the legislature but not yet issued by the board of examiners prior to using funds from the account established in 17-7-209 for the same purpose; ~~and~~

(d) *to* pay in whole or in part legally resolved nonpension financial liabilities of the state of Montana*;*

(e) to replace federal funding that has been rescinded by the federal government from remaining funding of the American Rescue Plan Act funds;

(f) to mitigate the need for general fund supplemental appropriations for the general appropriations act; and

(g) to replace federal funds that have been reduced or rescinded by the federal government.

(3) For the fiscal year beginning July 1, 2022, through the fiscal year ending June 30, 2025, interest income received pursuant to 17-6-202(2) is deposited into the account.

(4) Funds in the debt and liability free account are statutorily appropriated, as provided in 17-7-502, to the governor's office of budget and program planning and must be used in accordance with the requirements of this section.

(5) Funds expended from the account in this section may not be included in the calculation of annual transfers in 17-7-208.

(6) The office of budget and program planning shall prioritize the use of funds for the uses outlined in subsections (1)(a) through (1)(c).

(7) Within 15 days of the close of each fiscal quarter, the office of budget and program planning shall submit a written report to the legislative finance committee in accordance with 5-11-210 that identifies the amount and the type of debt payoff or other expenditure from the account established in this section for the previous fiscal quarter.

(8) If the unobligated ending fund balance of this account is less than $12.5 million, then up to 50% of the volatile revenue calculated pursuant to [section 5(4)], but no more than $12.5 million per year, may be transferred by the state treasurer into this account."

Section 24. Section 17-6-308, MCA, is amended to read:

"**17-6-308. Authorized investments.** (1) Except as provided in subsections (2) through ~~(8)~~ *(7)* of this section and subject to the provisions of 17-6-201, the Montana permanent coal tax trust fund must be invested as authorized by rules adopted by the board.

(2) The board may make loans from the permanent coal tax trust fund to the capital reserve account created pursuant to 17-5-1515 to establish balances or restore deficiencies in the account. The board may agree in connection with the issuance of bonds or notes secured by the account or fund to make the loans. Loans must be on terms and conditions determined by the board and must be repaid from revenue realized from the exercise of the board's powers under 17-5-1501 through 17-5-1518 and 17-5-1521 through 17-5-1529, subject to the prior pledge of the revenue to the bonds and notes.

(3) The board shall manage the seed capital and research and development loan portfolios created by the former Montana board of science and technology development. The board shall establish an appropriate repayment schedule for all outstanding research and development loans made to the university system. The board is the successor in interest to all agreements, contracts, loans, notes, or other instruments entered into by the Montana board of science and technology development as part of the seed capital and research and development loan portfolios, except agreements, contracts, loans, notes, or other instruments funded with coal tax permanent trust funds. The board shall administer the agreements, contracts, loans, notes, or other instruments funded with coal tax permanent trust funds. As loans made by the former Montana board of science and technology development are repaid, the board shall deposit the proceeds or loans made from the coal severance tax trust fund in the coal severance tax permanent fund until all investments are paid back with 7% interest.

(4) The board shall allow the Montana facility finance authority to administer $15 million of the permanent coal tax trust fund for capital projects. Until the authority makes a loan pursuant to the provisions of Title 90, chapter 7, the funds under its administration must be invested by the board pursuant to the provisions of 17-6-201. As loans for capital projects made pursuant to this subsection are repaid, the principal and interest payments on the loans must be deposited in the coal severance tax permanent fund until all principal and interest have been repaid. The board and the authority shall calculate the amount of the interest charge. Individual loan amounts may not exceed 10% of the amount administered under this subsection.

~~(5) The board shall allow the board of housing to administer $50 million of the permanent coal tax trust fund for the purposes of the Montana veterans' home loan mortgage program provided for in Title 90, chapter 6, part 6.~~

~~(6) The board shall allow the board of housing to administer $65 million of the permanent coal tax trust fund for the purpose of providing loans for the development and preservation of homes and apartments to assist low-income and moderate-income persons with meeting their basic housing needs pursuant to 90-6-137.~~

~~(7)~~*(5)* (a) Subject to subsections ~~(7)(b) and (7)(c)~~ *(5)(b) and (5)(c)*, the board may make working capital loans from the permanent coal tax trust fund to an owner of a coal-fired generating unit.

(b) Loans may be provided in accordance with subsection ~~(7)(a)~~ *(5)(a)* to an owner to finance:

(i) the everyday operations and required maintenance of a coal-fired generating unit of which an owner has a shared interest;

(ii) the purchase of an additional interest in a coal-fired generating unit of which an owner has a shared interest;

(iii) the purchase of coal to use at a coal-fired generating unit or improvements necessary to utilize coal from a different source at a coal-fired generating unit. When considering loan requests made under this subsection ~~(7)(b)(iii)~~ *(5)(b)(iii)*, the board shall give preference to requests that allow for utilization

of coal resources located in Montana or allow for improvements to utilize coal resources located in Montana that are determined to be economically feasible.

(iv) the purchase of electric transmission lines and associated facilities of a design capacity of 500 kilovolts or more primarily used to transmit electricity generated by a coal-fired resource;

(v) costs related to decommissioning and remediation of a coal-fired generating unit or affected property to meet applicable legal obligations as defined in 75-8-103; or

(vi) any combination of subsections ~~(7)(b)(i) through (7)(b)(v)~~ *(5)(b)(i) through (5)(b)(v)*.

(c) The board may charge a working capital loan application fee of up to $500.

~~(8)~~*(6)* The board may make loans from the permanent coal tax trust fund to a city, town, county, or consolidated city-county government impacted by the closure of a coal-fired generating unit to secure and maintain existing infrastructure.

~~(9)~~*(7)* The board shall adopt rules to allow a nonprofit corporation to apply for economic assistance. The rules must recognize that different criteria may be needed for nonprofit corporations than for for-profit corporations.

~~(10)~~*(8)* ~~All repayments of proceeds pursuant to subsection (3) of investments made from the coal severance tax trust fund must be deposited in the coal severance tax permanent fund~~ *All repayments of proceeds pursuant to subsection (3) of investments made from the coal severance tax trust fund must be deposited in the coal severance tax permanent fund*.

(9) By August 1, 2025, loans administered by funds in the permanent coal tax trust fund pursuant to 90-6-137 and 90-6-603 must be instead administered by the funds in the Montana housing trust provided for in [section 26], except that if not all principal of these loans has been paid, all proceeds from payment of principal of loans from the permanent coal tax trust fund must be deposited in the permanent coal tax trust fund until the principal of the loan is repaid."

Section 25. Section 17-6-317, MCA, is amended to read:

"**17-6-317. Participation by private financial institutions -- rulemaking.** (1) (a) The board may jointly participate with private financial institutions in making loans to a business enterprise if the loan will:

(i) result in the creation of a business estimated to employ at least 10 people in Montana on a permanent, full-time basis;

(ii) result in the expansion of a business estimated to employ at least an additional 10 people in Montana on a permanent, full-time basis; or

(iii) prevent the elimination of the jobs of at least 10 Montana residents who are permanent, full-time employees of the business.

(b) Loans under this section may be made only to:

(i) business enterprises that are producing or will produce value-added products or commodities; or

(ii) owners of coal-fired generating units for the purposes established in ~~17-6-308(7)~~ *17-6-308(5)*.

(c) A loan made pursuant to this section does not qualify for a job credit interest rate reduction under 17-6-318.

(2) A loan made pursuant to this section may not exceed 1% of the coal severance tax permanent fund and must comply with each of the following requirements:

(a) (i) The business enterprise seeking a loan must have a cash equity position equal to at least 25% of the total loan amount.

(ii) A participating private financial institution may not require the business to have an equity position greater than 50% of the total loan amount.

(iii) If additional security or guarantees, exclusive of federal guarantees, are required to cover a participating private financial institution, then the additional security or guarantees must be proportional to the amount loaned by all participants, including the board of investments.

(b) The board shall provide 75% of the total loan amount.

(c) The term of the loan may not exceed 15 years.

(d) The board shall charge interest at the following annual rate:

(i) 2% for the first 5 years if 15 or more jobs are created or retained;

(ii) 4% for the first 5 years if 10 to 14 jobs are created or retained;

(iii) 6% for the second 5 years; and

(iv) the board's posted interest rate for the third 5 years, but not to exceed 10% a year.

(e) (i) The interest rates in subsections (2)(d)(i) and (2)(d)(ii) become effective when the board receives certification that the required number of jobs has been created or as provided in subsection (2)(e)(ii). If the board disburses loan proceeds prior to creation of the required jobs, the loan must bear interest at the board's posted rate.

(ii) In establishing interest rates under subsections (2)(d)(i) and (2)(d)(ii) for preventing the elimination of jobs, the board shall require the submission of financial data that allows the board to determine if the loan and interest rate will in fact prevent the elimination of jobs.

(f) If a business entitled to the interest rate in subsection (2)(d)(i) or (2)(d)(ii) reduces the number of required jobs, the board may apply a graduated scale to increase the interest rate, not to exceed the board's posted rate.

(g) For purposes of calculating job creation or retention requirements, the board shall use the state's average weekly wage, as defined in 39-71-116, multiplied by the number of jobs required. This calculated number is the minimum aggregate salary threshold that is required to be eligible for a reduced interest rate. If individual jobs created pay less than the state's average weekly wage, the borrower shall create more jobs to meet the minimum aggregate salary threshold. If fewer jobs are created or retained than required in subsection (2)(d)(i) or (2)(d)(ii) but aggregate salaries meet the minimum aggregate salary threshold, the borrower is eligible for the reduced interest rate. A job paying less than the minimum wage, provided for in 39-3-409, may not be included in the required number of jobs.

(h) (i) A participating private financial institution may charge interest in an amount equal to the national prime interest rate, adjusted on January 1 of each year, but the interest rate may not be less than 6% or greater than 12%.

(ii) At the borrower's discretion, the borrower may request the lead lender to change this prime rate to an adjustable or fixed rate on terms acceptable to the borrower and lender.

(iii) A participating private financial institution, or lead private financial institution if more than one is participating, may charge a 0.5% annual service fee.

(i) The business enterprise may not be charged a loan prepayment penalty.

(j) The loan agreement must contain provisions providing for pro rata lien priority and pro rata liquidation provisions based on the loan percentage of the board and each participating private lender.

(3) If a portion of a loan made pursuant to this section is for construction, disbursement of that portion of the loan must be made based on the percentage of completion to ensure that the construction portion of the loan is advanced prior to completion of the project.

(4) A private financial institution shall participate in a loan made pursuant to this section to the extent of 85% of its lending limit or 25% of the loan,

whichever is less. However, the board's participation in the loan must be 75% of the loan amount.

(5) (a) Except as provided in subsections (5)(b) and (5)(c), a business enterprise receiving a loan under the provisions of this section may not pay bonuses or dividends to investors until the loan has been paid off, except that incentives may be paid to employees for achieving performance standards or goals.

(b) A business enterprise for the production of ethanol to be used as provided in Title 15, chapter 70, part 5, may pay dividends to investors and bonuses to employees if the business enterprise is current on its loan payments and has available funds equal to at least 15% of the outstanding principal balance of the loan.

(c) A public utility may pay dividends to investors and bonuses to employees if the public utility is current on its loan payments and has available funds equal to at least 15% of the outstanding principal balance of the loan.

(6) The board may adopt rules that it considers necessary to implement this section."

Section 26. Montana housing trust. (1) There is a Montana housing trust in the Montana growth and opportunity trust.

(2) The Montana housing trust is comprised of three programs:

(a) the housing Montana fund administered by the board of housing;

(b) the Montana veterans' home loan mortgage program administered by the board of housing; and

(c) the program providing loans for the development and preservation of homes and apartments to assist eligible low-income and moderate-income applicants administered by the board of housing.

(3) The board of housing shall administer $50 million or more of the Montana housing trust for the purposes of the Montana veterans' home loan mortgage program provided for in Title 90, chapter 6, part 6.

(4) The board of housing shall administer $65 million or more of the Montana housing trust for the purpose of providing loans for the development and preservation of homes and apartments to assist low-income and moderate-income persons with meeting their basic housing needs pursuant to 90-6-137.

Section 27. Section 17-7-130, MCA, is amended to read:

"**17-7-130. Budget stabilization reserve fund -- rules for deposits and transfers -- purpose.** (1) There is an account in the state special revenue fund established by 17-2-102 known as the budget stabilization reserve fund.

(2) The purpose of the budget stabilization reserve fund is to mitigate budget reductions when there is a revenue shortfall.

(3) Except as provided in subsection (4), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the budget stabilization reserve fund. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.

(4) The provisions of subsection (3) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (3) would require reductions pursuant to 17-7-140.

(5) If the transfer provided for in subsection (3) increases the balance in the budget stabilization reserve fund to exceed 16% of all general revenue appropriations in the second year of the biennium, the amount in excess is

transferred to the capital developments long-range building program account established in 17-7-209.

(6) By August 1 of each year, the department of administration shall certify to the legislative fiscal analyst and the budget director the following:

(a) the unaudited, unassigned ending fund balance of the general fund for the most recently completed fiscal year; and

(b) the amount of unaudited general fund revenue and transfers into the general fund received in the prior fiscal year recorded when that fiscal year's statewide accounting, budgeting, and human resource system records are closed. General fund revenue and transfers into the general fund are those recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102.

(7) (a) The state treasurer shall calculate the operating reserve level of general fund balance defined in 17-7-102(12). The treasurer shall first apply the excess revenue to reach the operating reserve level general fund balance, if necessary.

(b) Once the general fund balance is at the reserve level, 75% of the remaining excess revenue is transferred as follows:

(i) to the budget stabilization reserve fund, until the amount in the fund is equal to 16% of all general revenue appropriations in the second year of the biennium; then

(ii) to the account established in 17-7-209, until the amount in the fund in excess of the amount needed for appropriations from the capital developments long-range building program account in the capital projects fund type is equal to 12% of all general revenue appropriations in the second year of the biennium.

(c) After the transfers in subsections (7)(b)(i) and (7)(b)(ii) have been made, if the balance of the budget stabilization reserve fund exceeds an amount equal to 16% of the general revenue appropriations in the second year of the biennium and the balance of the account established in 17-7-209 in excess of the amount needed for appropriations from the capital developments long-range building program account in the capital projects fund type exceeds 12% of all general revenue appropriations in the second year of the biennium, then:

(i) 75% of any funds in excess of that amount must be transferred to the ~~account established in 17-7-134~~ *Montana growth and opportunity trust established in [section 1]*; and

(ii) 25% of the funds in excess of that amount remain in the general fund.

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

(a) "Adjusted compound annual growth rate revenue" means general fund revenue for the fiscal year prior to the most recently completed fiscal year plus the growth amount.

(b) "Excess revenue" means the amount of general fund revenue, including transfers in, for the most recently completed fiscal year minus adjusted compound annual growth rate revenue.

(c) "Growth amount" means general fund revenue for the fiscal year prior to the most recently completed fiscal year multiplied by the growth rate.

(d) "Growth rate" means the annual compound growth rate of general fund revenue realized over the period 12 years prior to the most recently completed fiscal year, including the most recently completed fiscal year."

Section 28. Section 17-7-140, MCA, is amended to read:

"**17-7-140. Reduction in spending.** (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(c), shall direct agencies to reduce spending

in an amount that ensures that the projected ending general fund balance for the biennium will be at least:

(i) 4% of the general revenue appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3% of the general revenue appropriations for the second fiscal year of the biennium in October of the year preceding a legislative session;

(iii) 2% of the general revenue appropriations for the second fiscal year of the biennium in January of the year in which a legislative session is convened; and

(iv) 1% of the general revenue appropriations for the second fiscal year of the biennium in March of the year in which a legislative session is convened.

(b) An agency may not be required to reduce general fund spending for any program, as defined in each general appropriations act, by more than 10% during a biennium. A governor may not reduce total agency spending in the biennium by more than 4% of the second year general revenue appropriations for the agency. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the weighted average of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(c) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The report must be submitted in an electronic format. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The recommendations must be provided in an electronic format *and entered into the state budgeting software*. The recommendations must be provided to the legislature in accordance with 5-11-210. The legislative finance committee *established in 5-12-201 and the interim budget committees established in 5-12-501* shall meet within ~~20~~ *30* days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The *legislative finance* committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending *and may incorporate information from the interim budget committees in making recommendations*. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education;

(e) salaries of elected officials during their terms of office; and

(f) the Montana school for the deaf and blind.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 4% of the general revenue appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 1.875% in October of the year preceding a legislative session;

(iii) 1.25% in January of the year in which a legislative session is convened; and

(iv) 0.625% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid and the cost of the state's wildland fire suppression activities exceeding the amount statutorily appropriated in 10-3-312, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue interim committee in accordance with 5-11-210 of the estimated amount. Within 20 days of notification, the revenue interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue interim committee prior to certifying a projected general fund budget deficit to the governor.

(5) If the budget director certifies a projected general fund budget deficit, the governor may authorize transfers to the general fund from certain accounts as set forth in subsection ~~(6)~~ *(7)*.

(6) If the budget director certifies a projected general fund budget deficit, then the governor may cancel the remaining transfers of volatile revenue to the Montana growth and opportunity trust established in [section 1] for the biennium.

~~(6)~~*(7)* The governor may authorize transfers from the budget stabilization reserve fund provided for in 17-7-130. The governor may authorize $3 of transfers from the fund for each $1 of reductions in spending but may not authorize a transfer that would cause the balance of the budget stabilization reserve fund to be less than 6% of all general revenue appropriations in the second year of the biennium."

Section 29. Section 19-3-316, MCA, is amended to read:

"**19-3-316. Employer contribution rates.** (1) Each employer shall contribute to the system. Except as provided in subsection (2), the employer shall pay as employer contributions 6.9% of the compensation paid to all of the employer's employees plus any additional contribution under subsection (3), except for those employees properly excluded from membership. Of employer contributions made under this subsection for both defined benefit plan and defined contribution plan members, a portion must be allocated for educational programs as provided in 19-3-112. Employer contributions for members under the defined contribution plan must be allocated as provided in 19-3-2117.

(2) Local government and school district employer contributions must be the total employer contribution rate provided in subsection (1) minus the state contribution rates under 19-3-319.

(3) (a) Subject to subsection (4), each employer shall contribute to the system an additional employer contribution equal to the percentage specified in subsection (3)(b) of the compensation paid to all of the employer's employees, except for those employees properly excluded from membership.

(b) ~~The percentage of compensation to be contributed under subsection (3)(a) is 1.27% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024.~~ For fiscal years beginning after June 30, ~~2024~~ *2024*, the percentage of compensation to be contributed under subsection (3)(a) is 2.27%. *For fiscal years beginning after June 30, 2027, there is a 0.1% increase each fiscal year through the fiscal year ending June 30, 2047. For fiscal years beginning after June 30, 2047, the percentage of compensation to be contributed under subsection (3)(a) is 4.27%.*

(4) (a) The board shall annually review the additional employer contribution provided for under subsection (3) and recommend adjustments to the legislature as needed to maintain the amortization schedule set by the board for payment of the system's unfunded liabilities.

(b) The employer contribution required under subsection (3) terminates on January 1 following the board's receipt of the system's actuarial valuation if the actuarial valuation determines that terminating the additional employer contribution pursuant to this subsection (4)(b) and reducing the employee contribution pursuant to 19-3-315(2) would not cause the amortization period to exceed 25 years."

Section 30. Section 19-20-609, MCA, is amended to read:

"**19-20-609. Employer's supplemental contribution -- actuarially determined adjustments.** (1) (a) Subject to subsections (1)(b) through (1)(d), each employer shall contribute to the retirement system a supplemental amount equal to the percentage specified in subsection (1)(b) of total earned compensation of each member employed during the whole or part of the preceding payroll period.

(b) ~~The percentage of compensation to be contributed under subsection (1)(a) is 1% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024.~~ For fiscal years beginning ~~after June 30, 2024~~ *after June 30, 2024*, the percentage of compensation to be contributed under subsection (1)(a) is 2%. *For fiscal years beginning after June 30, 2027, there is a 0.1% increase each fiscal year through the fiscal year ending June 30, 2047. For fiscal years beginning after June 30, 2047, the percentage of compensation to be contributed under subsection (1)(a) is 4%.*

(c) The board may decrease the employer's supplemental contribution if:

(i) the average funded ratio of the system based on the last three actuarial valuations is equal to or greater than 90%;

(ii) the period necessary to amortize all liabilities of the system based on the most recent annual actuarial valuation is less than 15 years; and

(iii) the guaranteed annual benefit adjustment has been increased to the maximum allowed under 19-20-719.

(d) Following one or more decreases in the supplemental contribution rate pursuant to subsection (1)(c), the board may increase the supplemental contribution to a rate not to exceed 1% if:

(i) the average funded ratio of the system based on the last three annual actuarial valuations is equal to or less than 80%; and

(ii) the period necessary to amortize all liabilities of the system based on the most recent annual actuarial valuation is greater than 20 years.

(2) After the board has actuarially determined the need to impose, increase, or decrease a supplemental contribution rate under this section, the imposition, increase, or decrease is effective on the first day of July following the board's determination."

Section 31. Section 85-1-631, MCA, is amended to read:

"**85-1-631. Water storage state special revenue account created -- revenues allocated -- appropriations from account.** (1) There is a water storage state special revenue account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the water storage state special revenue account:

(a) for the biennium beginning July 1, 2007, the proceeds of the resource indemnity and ground water assessment tax as provided in 15-38-106; ~~and~~

(b) money allocated from the resource indemnity trust fund interest earnings pursuant to 15-38-202 and all revenue of the works and other money as provided in 85-1-332*; and*

(c) 90% of the interest earned from the Montana water development state special revenue account established in [section 15].

(3) All revenue provided from 85-1-332(1)(e) and (1)(f) deposited in the water storage state special revenue account must be appropriated solely for the construction, operation, rehabilitation, expansion, maintenance, and modification of state-owned water storage projects.

(4) Money that was not encumbered or expended from the water storage state special revenue account during the previous biennium must remain in the account.

(5) Deposits to the water storage state special revenue account must be placed in short-term investments and accrue interest, which must be deposited in the water storage state special revenue account.

(6) The purpose of the water storage state special revenue account is to provide money exclusively for construction, operation, rehabilitation, expansion, maintenance, and modification of state-owned water storage projects."

Section 32. Section 90-6-137, MCA, is amended to read:

"**90-6-137. Alternate funding source for housing loans -- use of ~~coal tax trust fund money~~ *Montana housing trust within Montana growth and opportunity trust*.** (1) The board of ~~investments~~ *housing* shall ~~allow the board of housing to~~ administer $65 million *or more* ~~of the coal tax trust fund~~ *of funds from the Montana housing trust provided for in [section 26]* for the purpose of providing loans for the development and preservation of homes and apartments to assist eligible low-income and moderate-income applicants. Until the board uses money in the ~~coal tax trust~~ *Montana housing* ~~fund~~ *trust* to loan to a qualified applicant pursuant to this part, the money under the administration of the board must remain invested by the board of investments.

(2) While a loan made from the ~~coal tax trust fund~~ *Montana housing trust* pursuant to this section is repaid, the principal payments on the loan must be deposited in the ~~coal tax trust fund~~ *Montana housing trust* until all of the principal of the loan is repaid. Interest received on a loan may be used by the board, in amounts determined by the board in accordance with 90-6-136, to pay for the servicing of a loan and for reasonable costs of the board for administering the program. After payment of associated expenses, interest received on the loan must be deposited into the ~~coal tax trust fund~~ *Montana housing trust*.

(3) (a) Money from the ~~coal tax trust fund~~ *Montana housing trust* must be used for the purposes identified in 90-6-134(3) and (4).

(b) Loans made pursuant to this section must meet the following requirements:

(i) Projects funded with the loans must be multifamily rental housing projects that provide low-income and moderate-income housing.

(ii) The loan must be in the first lien position and may not exceed 95% of total development costs.

~~(iii) The minimum interest rate charged on a loan pursuant to this section is no less than 0.5% below the current coal trust fund investment performance, and all loans combined must at least average the current coal trust investment performance.~~

~~(iv)~~*(iii)* The board and the loan recipient shall each pay half of loan servicing fees.

~~(v)~~*(iv)* Projects funded with the loans must be subject to property taxes, except those located on tribal lands.

(4) Money from the ~~coal tax trust fund~~ *Montana housing trust* may not be used to replace existing or available sources of funding for eligible activities.

(5) Funds administered by the board from the ~~coal tax trust fund~~ *Montana housing trust* may not be used to pay the expenses of any other program or service administered by the board.

(6) A multifamily rental housing project eligible to receive a loan under this section may include the development or preservation of a mobile home park as defined in 70-33-103."

Section 33. Section 90-6-603, MCA, is amended to read:

"**90-6-603. Veterans' home loan mortgage program created -- use of ~~coal tax trust~~ *Montana housing* ~~fund money~~ *trust.*** (1) There is a Montana veterans' home loan mortgage program under the direction and management of the board for eligible veterans who are first-time home buyers.

(2) The board of ~~investments~~ *housing* shall ~~allow the board to~~ administer $50 million *or more* of the ~~permanent coal tax trust fund~~ *Montana housing trust provided for in [section 26]* for the purpose of the program. Until the board uses money in the trust fund to purchase a mortgage loan from a participating financial institution pursuant to this part, the money under the administration of the board must remain invested by the board of investments. As a loan made pursuant to this part is repaid, the principal payments on the loan must be deposited in the ~~trust fund~~ *Montana housing trust* until all of the principal of the loan is repaid. Interest received on the loan may be used by a participating financial institution and the board, in amounts determined by the board in accordance with 90-6-605, to pay for the origination and servicing of a loan by a participating financial institution and to pay the reasonable costs of the board for the administration of the program. After payment of associated expenses, interest received on the loan must be deposited ~~into~~ *in* the ~~trust fund~~ *Montana housing trust*.

(3) Interest on a home mortgage loan made pursuant to this part must be charged at 1% less than the federal national mortgage association's delivery rate or 1% lower than the lowest interest rate charged by the board for the purposes of other home loan mortgage programs administered by the board, whichever is less. If the federal national mortgage association's rate becomes unavailable, the board shall use another similar rate for the purposes of this subsection. The board may not make a direct loan to an eligible veteran."

Section 34. Reduction of volatile revenue transfer -- report. If the budget director estimates a projected general fund ending fund balance at the end of the biennium that is less than the operating reserve as defined in 17-7-102, the budget director shall inform the legislative finance committee and the legislative fiscal analyst in writing of the financial forecast and

recommended actions by September 15 if a reduction is considered for the November 1 transfer or March 15, if a reduction is considered for the May transfer. The legislative finance committee may meet and comment within 30 days of receiving the forecast and recommendations. Then the governor may reduce the transfer of volatile revenue to the Montana growth and opportunity trust established in [section 1] by up to 50% of the volatile revenue transfer amount.

Section 35. Property tax assistance for primary residences. (1) A county shall provide property tax assistance to owners of primary residences certified by the department of revenue pursuant to [section 36]. The assistance is provided with funding from the state property tax assistance account distributed to the county as provided in [section 14].

(2) (a) Except as provided in subsection (2)(b), the county treasurer shall provide the property tax assistance distributed pursuant to [section 14] to each primary residence by listing the property tax assistance amount as a credit on the property tax bill as provided in 15-16-101(2)(a)(v).

(b) If the property tax assistance calculated pursuant to [section 14(2)]. exceeds the property tax billed for an individual property, the county may retain the revenue that exceeds the property tax billed.

(3) The owner of a primary residence that receives property tax assistance under this section is not prohibited from receiving property tax assistance under another property tax assistance program.

(4) State property tax assistance provided to counties pursuant to this section may not affect the maximum mill calculation in 15-10-420.

Section 36. Certification of primary residence for state property tax assistance -- rulemaking -- definition. (1) To receive state property tax assistance pursuant to [section 35], the owner of a primary residence shall apply to the department for certification of the primary residence.

(2) (a) To receive state property tax assistance for the tax year in which the application is first made, the owner shall apply electronically or by mail on a form prescribed by the department and postmarked by March 1. Approved applications received electronically or postmarked after March 1 apply to the following tax year.

(b) Once approved, the certification remains effective until:

(i) there is a change in ownership of the property;

(ii) the owner no longer uses the dwelling as a primary residence; or

(iii) the owner applies for state property tax assistance for a different primary residence.

(c) If certification is terminated pursuant to subsection (2)(b), the owner shall submit a new application to the department to reestablish the certification.

(d) An application for state property tax assistance must be submitted on a form prescribed by the department and must contain:

(i) a written declaration made under penalty of perjury that the applicant owns and maintains the land and improvements as the primary residence. The application must state the penalty provided for in [section 37].

(ii) the geocode or other property identifier for the primary residence for which the applicant is requesting the state property tax assistance;

(iii) the social security number of the applicant; and

(iv) any other information required by the department that is relevant to the applicant's eligibility.

(3) (a) Except as provided in subsection (3)(b), class four residential property owned by an entity is not eligible to receive the state property tax assistance.

(b) The trustee of a grantor revocable trust may apply for state property tax assistance for a primary residence on behalf of the trust if the dwelling meets the definition of a primary residence for the grantor.

(4) The department may adopt rules, prepare forms, and maintain records that are necessary to implement this section.

(5) (a) For the purpose of this section and [sections 37 and 38], "primary residence" means a class four residential property:

(i) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home;

(ii) in which an owner can demonstrate the owner owned and lived for at least 7 months of the year;

(iii) that is the owner's only primary residence;

(iv) for which the value of the residential dwelling is $1 million or less; and

(v) for which the owner made payment of the assessed Montana property taxes.

(b) An owner who cannot meet the requirements of subsection (5)(a)(ii) because the owner's primary residence changed during the tax year to another primary residence may still qualify if the owner paid the Montana property taxes while residing in each primary residence for a total of at least 7 consecutive months of the tax year. The department shall establish rules for determining the property tax assistance when the primary residences are in different counties.

Section 37. State property tax assistance -- penalty for false or fraudulent application. A person who files a false or fraudulent certification of primary residence for state property tax assistance under [section 36] is subject to criminal prosecution under the provisions of 45-7-202 and may be prohibited from claiming state property tax assistance for up to 10 years. If false or fraudulent property tax assistance has been issued by the county, the amount of assistance granted may be recovered as any other tax owed the county. If property tax assistance becomes due and owing, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

Section 38. Appeal of denial of certification of primary residence. (1) (a) If the department denies an application for certification of a primary residence, the owner may request an informal review of the denial by submitting an objection on written or electronic forms provided by the department for that purpose in a manner prescribed by the department. The objection must be made no later than 30 days after the date of the denial notification.

(b) The property owner may request that the department consider extenuating circumstances to grant an application for certification of a primary residence. Extenuating circumstances include but are not limited to extraordinary, unusual, or infrequent events that are material in nature and of a character different from the typical or customary, and that are not expected to recur.

(c) After the informal review, the department shall determine the correct status of the application and notify the taxpayer of its determination by mail or electronically. In the notification, the department shall state its reasons for accepting or denying the application.

(2) If a property owner is aggrieved by the determination made by the department after the review provided for in subsection (1), the property owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts. An appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the

department's determination. If the county tax appeal board or the Montana tax appeal board determines that the residence should qualify as a primary residence, the department shall provide to the property owner the amount of property tax assistance due from the amount retained pursuant to [section 14].

Section 39. Section 5, Chapter 48, Laws of 2023, is amended to read:

"**Section 5. Transfer of funds.** (1) By June 30, 2023, the state treasurer shall transfer $125 million from the general fund to the account provided for in [section 1].

(2) By June 30, 2023, the state treasurer shall transfer $18.6 million from the general fund to the statewide public safety communications system account provided for in 44-4-1607.

~~(3) By June 30, 2027, the state treasurer shall transfer any unobligated funds in the account established in [section 1] as follows:~~

~~(a) 50% to the capital developments long-range building program account established in 17-7-209: and~~

~~(b) 50% to the general fund.~~"

Section 40. Repealer. The following section of the Montana Code Annotated is repealed:

17-7-134. Pension state special revenue account.

Section 41. Transfer of funds. (1) For the fiscal year beginning July 1, 2024, the state treasurer shall make the following transfers from the general fund:

(a) $20 million to the state property tax assistance account;

(b) $10 million to the Montana water development state special revenue account;

(c) $10 million to the better local bridge state special revenue account;

(d) $10 million to the Montana early childhood state special revenue account;

(e) $250 million to the pension fund established in [section 18];

(f) $50 million for bridges to the distribution portion of the trust of the Montana growth and opportunity trust provided for in [section 1]; and

(g) $174 million to the distribution portion of the trust of the Montana growth and opportunity trust provided for in [section 1].

(2) (a) For the fiscal year beginning July 1, 2024, the state treasurer shall make the following transfers from the debt and liability free account established in 17-6-214:

(i) $26 million to the Montana housing trust, or a different amount based on the balance of authorized funds committed to eligible applicants by the board of housing but not disbursed as of July 30, 2025, for programs administered pursuant to 90-6-137 and 90-6-603; and

(ii) $89 million, or a different amount based on the balance of authorized funds disbursed to eligible applicants by the board of housing as of July 30, 2025, to the permanent coal tax trust.

(b) The transfer amounts for the permanent coal tax trust and for programs administered pursuant to 90-6-137 and 90-6-603 may not exceed $115 million and may be adjusted in this subsection (2) to:

(i) first transfer an amount into the permanent coal tax trust equal to its outstanding loans; and

(ii) transfer the remainder to programs administered pursuant to 90-6-137 and 90-6-603.

(3) (a) For the fiscal year beginning July 1, 2025, the state treasurer shall make the following transfers from the general fund :

(i) $30.1 million to the distribution portion of the trust of the Montana growth and opportunity trust provided for in [section 1] by November 1, 2025, and May 1, 2026;

(ii) $24.1 million to the pension fund established in [section 18] by November 1, 2025, and May 1, 2026; and

(iii) $6 million to the Montana housing trust established in [section 26] by November 1, 2025, and May 1, 2026.

(b) If the budget director estimates a projected general fund ending fund balance at the end of the fiscal year that is less than the operating reserve as defined in 17-7-102, the budget director shall inform the legislative finance committee and the legislative fiscal analyst in writing of the financial forecast and recommended actions by September 15 if a reduction is considered for the November 1 transfer or March 15, if a reduction is considered for the May transfer. The legislative finance committee may meet and comment within 30 days of receiving the forecast and recommendations. Then the governor may reduce the transfers provided for in this subsection (3) to the Montana growth and opportunity trust established in [section 1] by up to 50%.

(4) For the fiscal year beginning July 1, 2025, the state treasurer shall transfer $10 million from the capital developments long-range building program established in 17-7-209 into the Montana housing trust.

(5) (a) For the fiscal year beginning July 1, 2026, the state treasurer shall make the following transfers from the general fund :

(i) $23 million to the distribution portion of the trust of the Montana growth and opportunity trust provided for in [section 1] by November 1, 2026, and May 1, 2027;

(ii) $18.4 million to the pension fund established in [section 18] by November 1, 2026, and May 1, 2027; and

(iii) $4.6 million to the Montana housing trust established in [section 26] by November 1, 2026, and May 1, 2027.

(b) If the budget director estimates a projected general fund ending fund balance at the end of the fiscal year that is less than the operating reserve as defined in 17-7-102, the budget director shall inform the legislative finance committee and the legislative fiscal analyst in writing of the financial forecast and recommended actions by September 15 if a reduction is considered for the November 1 transfer or March 15, if a reduction is considered for the May transfer. The legislative finance committee may meet and comment within 30 days of receiving the forecast and recommendations. Then the governor may reduce the transfers provided for in this subsection (5) to the Montana growth and opportunity trust established in [section 1] by up to 50%.

Section 42. Appropriations. (1) There is appropriated the following amounts from the following accounts for the fiscal year beginning July 1, 2025, for the purposes outlined in those accounts:

(a) $7.5 million from the Montana water development state special revenue account to the department of natural resources and conservation;

(b) $7.5 million from the better local bridge state special revenue account to the department of transportation; and

(c) $7.5 million from the Montana early childhood state special revenue account to the department of public health and human services.

(2) There is appropriated the following amounts from the following accounts for the fiscal year beginning July 1, 2026, for the purposes outlined in those accounts:

(a) $10 million from the Montana water development state special revenue account to the department of natural resources and conservation;

(b) $10 million from the local bridge state special revenue account to the department of transportation; and

(c) $10 million from the Montana early childhood state special revenue account to the department of public health and human services.

(3) The legislature intends that the appropriations in subsection (2) be considered part of the ongoing base for the next legislative session.

Section 43. Codification instruction. (1) [Sections 1 through 5 and 34] are intended to be codified as an integral part of Title 17, and the provisions of Title 17 apply to [sections 1 through 5 and 34].

(2) [Sections 14 and 36 through 38] are intended to be codified as an integral part of Title 15, chapter 6, and the provisions of Title 15, chapter 6, apply to [sections 14 and 36 through 38].

(3) [Section 15] is intended to be codified as an integral part of Title 85, chapter 1, part 3, and the provisions of Title 85, chapter 1, part 3, apply to [section 15].

(4) [Section 16] is intended to be codified as an integral part of Title 60, chapter 2, part 2, and the provisions of Title 60, chapter 2, part 2, apply to [section 16].

(5) [Sections 17 and 19 through 22] are intended to be codified as an integral part of Title 52, chapter 2, and the provisions of Title 52, chapter 2, apply to [sections 17 and 19 through 22].

(6) [Section 18] is intended to be codified as an integral part of Title 17, chapter 7, and the provisions of Title 17, chapter 7, apply to [section 18].

(7) [Section 35] is intended to be codified as an integral part of Title 7, chapter 6, part 25, and the provisions of Title 7, chapter 6, part 25, apply to [section 35].

(8) [Section 26] is intended to be codified as an integral part of Title 90, chapter 6, and the provisions of Title 90, chapter 6, apply to [section 26].

Section 44. Coordination instruction. (1) If both Senate Bill No. 56 and [this act] are passed and approved, and if both contain a section that amends 19-3-316, then the section amending 19-3-316 in Senate Bill No. 56 is void.

(2) If both Senate Bill No. 287 and [this act] are passed and approved, and if both contain a section that amends 19-3-316, then the section amending 19-3-316 in [this act] is void.

(3) If both Senate Bill No. 287 and [this act] are passed and approved, and if both contain a section that amends 19-20-609, then the section amending 19-20-609 in [this act] is void.

Section 45. Coordination instruction. If both Senate Bill No. 324 and [this act] are passed and approved, and if Senate Bill No. 324 amends 61-3-321 to provide for a transfer or deposit of funds into the better local bridge fund, then [section 5 of Senate Bill No. 324], establishing the better local bridge fund, is void and funds instead transfer or deposit into the distribution portion of the Montana growth and opportunity trust provided for in [section 1].

Section 46. Effective date. [This act] is effective on passage and approval.

Approved June 19, 2025

CHAPTER NO. 776

[HB 2]

AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 2027; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 2025".

Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2027 biennium, are adopted as legislative intent.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

Section 4. Appropriation control. An appropriation item designated "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the Legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2029 biennium. The Office of Budget and Program Planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for any item designated "Biennial", "Restricted", "One Time Only", or "OTO". The Office of Budget and Program Planning shall establish at least one appropriation on the statewide accounting, budgeting, and human resource system for any appropriation that appears as a separate line item in [this act].

Section 5. Appropriation control. The Office of Budget and Program Planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for the funding included in each Executive Branch agency's budget to pay fixed cost allocations for the State Information Technology Services Division of the Department of Administration. The appropriations must be designated as restricted.

Section 6. Appropriation control. For any appropriation for the Legislative Audit Division Federal Single Audit contained in [this act], the Office of Budget and Program Planning is authorized to move the appropriation between agencies. Movement of appropriation authority must be based on actual audit hours worked by legislative auditors on the Federal Single Audit for any specific agency. The "Restricted" and "Biennial" designation must be retained on all appropriations for the Legislative Audit Division Federal Single Audit.

Section 7. Program definition. As used in [this act], "program":

(1) has the same meaning as provided in 17-7-102;

(2) is consistent with the management and accountability structure established on the statewide accounting, budgeting, and human resource system; and

(3) is identified as a major subdivision of an agency ordinally numbered with an Arabic numeral.

Section 8. Personal services funding -- 2029 biennium. (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2027 biennium submitted under Title 17, chapter 7, part 1, by each Executive, Judicial, and Legislative Branch agency must include funding

of first level personal services separate from funding of other expenditures. The funding of first level personal services by fund or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2029 biennium submitted by November 1 to the legislative fiscal analyst by the Office of Budget and Program Planning. For the purpose of developing the personal services budget for the 2029 biennium, legislatively authorized positions budgeted (PB) are the same as full-time equivalents (FTE).

(2) The provisions of subsection (1) do not apply to the Montana University System.

Section 9. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

Section 10. Effective date. [This act] is effective July 1, 2025.

Section 11. Appropriations. The following money is appropriated for the respective fiscal years:

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
A. GENERAL GOVERNMENT											
LEGISLATIVE BRANCH (11040)											
1. Legislative Services Division (20)											
18,507,922	238,739	0	0	0	18,746,661	16,463,770	230,020	0	0	0	16,693,790
2. Legislative Committees and Activities (21)											
1,907,497	0	0	0	0	1,907,497	1,114,535	0	0	0	0	1,114,535
a. Section 5-20-301, MCA, School Funding Study (Restricted/OTO)											
233,927	0	0	0	0	233,927	100,255	0	0	0	0	100,255
3. Legislature - Senate (25)											
9,091	0	0	0	0	9,091	0	0	0	0	0	0
4. Legislature - House (26)											
122,068	0	0	0	0	122,068	0	0	0	0	0	0
5. Financial and Data Analysis (27)											
3,894,582	0	0	0	0	3,894,582	3,678,243	0	0	0	0	3,678,24
a. Pension Actuarial (OTO)											
51,500	0	0	0	0	51,500	53,000	0	0	0	0	53,000
b. Analysis of Montana Budget Implications From Federal Action (Biennial/OTO)											
50,000	0	0	0	0	50,000	50,000	0	0	0	0	50,000
6. Audit and Examination (28)											
3,551,861	2,921,851	0	0	0	6,473,712	3,534,101	2,922,214	0	0	0	6,456,315
a. Hotline Cases and Other Contingencies (Biennial/OTO)											
25,000	0	0	0	0	25,000	25,000	0	0	0	0	25,000
Total											
28,353,448	3,160,590	0	0	0	31,514,038	25,018,904	3,152,234	0	0	0	28,171,138

All appropriations for the Legislative Branch are biennial.

It is the intent of the Legislature that Pension Actuarial not be included in the Legislative Fiscal Division's budget request for the 2029 biennium.

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Audit and Examination includes a one-time-only reduction of general fund of $469,568 in FY 2026 and $477,759 in FY 2027 and increase of state special revenue of $469,568 in FY 2026 and $477,759 in FY 2027 because of an anticipated temporary increase in the number of hours to complete the Federal Single Audit.

Audit and Examination includes a one-time-only increase of general fund of $132,165 in FY 2026 and $132,165 in FY 2027 and decrease of state special revenue of $132,165 in FY 2026 and $132,165 in FY 2027 because of proposed changes in information technology audits included in LC 4208. If LC 4208 is not passed and approved, then the increase in general fund and the decrease in state special revenue in FY 2026 and FY 2027 is void.

The general fund appropriations in FY 2026 and FY 2027 for Hotline Cases and Other Contingencies are for contracted services necessary under section 5-13-305, MCA, relating to increased activities for hotline cases and other contingencies.

Analysis of Montana Budget Implications From Federal Action is contingent on one of the following events occurring in either fiscal year of the 2027 biennium: (1) passage of a bill or other type of legislation from either chamber of Congress or executive order that reduces anticipated federal revenues to Montana by more than $100 million in the 2027 biennium; (2) passage of a bill or other type of legislation by both chambers of Congress or executive order that cancels previously enacted spending in a manner that reduces anticipated federal revenues to Montana by more than $50 million; or (3) passage of a bill or other type of legislation from either chamber of Congress that reduces anticipated state general fund revenue by more than $100 million. This appropriation will be used for additional Legislative Finance Committee meetings and joint meetings with appropriate interim committees and interim budget committees to analyze and prepare for changes to the Montana budget resulting from federal action.

If HB 100 is passed and approved, the Legislative Branch is increased by $116,855 general fund in FY 2027, and the Legislative Branch may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2027.

If HB 111 is passed and approved, the Legislative Branch is increased by $66,150 general fund in FY 2026 and $28,350 general fund in FY 2027.

If SB 237 is passed and approved, the Legislative Branch is increased by $1,693 general fund in FY 2027.

~~If SB 311 is passed and approved, the Legislative Branch is increased by $242,462 general fund in FY 2026 and $104,095 general fund in FY 2027, and the Legislative Branch may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2026 and 1.00 PB in FY 2027.~~

CONSUMER COUNSEL (11120)

1. Administrative Program (01)											
0	1,699,351	0	0	0	1,699,351	0	1,700,909	0	0	0	1,700,909
a. Caseload Contingency (Restricted/Biennial/OTO)											
0	150,000	0	0	0	150,000	0	150,000	0	0	0	150,000
Total											
0	1,849,351	0	0	0	1,849,351	0	1,850,909	0	0	0	1,850,909

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
GOVERNOR'S OFFICE (31010)											
1. Executive Office Program (01)											
3,730,253	0	0	0	0	3,730,253	3,733,092	0	0	0	0	3,733,092
2. Executive Residence Operations (02)											
132,279	0	0	0	0	132,279	132,266	0	0	0	0	132,266
3. Office of Budget and Program Planning (04)											
3,424,255	0	0	0	0	3,424,255	3,432,141	0	0	0	0	3,432,141
a. Legislative Audit (Restricted/Biennial)											
76,725	0	0	0	0	76,725	0	0	0	0	0	0
b. Legislative Audit Division Federal Single Audit (Restricted/Biennial/OTO)											
102,869	51,760	79,332	52,843	0	286,804	0	0	0	0	0	0
4. Office of Indian Affairs (05)											
234,287	50,000	0	0	0	284,287	234,722	50,000	0	0	0	284,722
5. Mental Disabilities Board of Visitors and Mental Health Ombudsman (20)											
512,267	0	0	0	0	512,267	514,368	0	0	0	0	514,368
Total											
8,212,935	101,760	79,332	52,843	0	8,446,870	8,046,589	50,000	0	0	0	8,096,589
COMMISSIONER OF POLITICAL PRACTICES (32020)											
1. Administration Program (01)											
953,627	0	0	0	0	953,627	951,774	0	0	0	0	951,774
a. Public Access to Lobbying Information PB (Restricted/Biennial/OTO)											
115,963	0	0	0	0	115,963	113,163	0	0	0	0	113,163
Total											
1,069,590	0	0	0	0	1,069,590	1,064,937	0	0	0	0	1,064,937

It is the intent of the Legislature that the Public Access to Lobbying Information PB line item be used to address Legislative Audit Division recommendations, including the hiring of a person to assist the commissioner with exercising the office's audit authority and make other expenditures pursuant to the "Public Access to Lobbying Information" report published November 2024.

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
STATE AUDITOR'S OFFICE (34010)											
1. Central Management (01)											
0	2,861,464	0	0	0	2,861,464	0	2,925,006	0	0	0	2,925,006
a. Legislative Audit (Restricted/Biennial)											
0	12,092	0	0	0	12,092	0	0	0	0	0	0
2. Insurance (03)											
0	24,415,243	45,000,000	0	0	69,415,243	0	27,449,731	50,000,000	0	0	77,449,731
a. Legislative Audit (Restricted/Biennial)											
0	39,246	0	0	0	39,246	0	0	0	0	0	0
b. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
0	0	28,466	0	0	28,466	0	0	0	0	0	0
3. Securities (04)											
0	1,613,297	0	0	0	1,613,297	0	1,614,375	0	0	0	1,614,375
a. Legislative Audit (Restricted/Biennial)											
0	9,052	0	0	0	9,052	0	0	0	0	0	0
Total											
0	28,950,394	45,028,466	0	0	73,978,860	0	31,989,112	50,000,000	0	0	81,989,112

If HB 607 is passed and approved, the State Auditor's Office is increased by $507,712 general fund in FY 2027.

DEPARTMENT OF REVENUE (58010)											
1. Director's Office (01)											
10,334,759	368,540	0	155,750	0	10,859,049	10,358,932	368,540	0	155,750	0	10,883,222
a. Property Tax Revision Implementation (Biennial)											
187,928	0	0	0	0	187,928	187,041	0	0	0	0	187,041
2. Technology Services Division (02)											
10,364,314	186,639	0	385,439	0	10,936,392	10,700,241	186,639	0	391,439	0	11,278,319
3. Alcoholic Beverage Control Division (03)											
0	0	0	223,608,439	0	223,608,439	0	0	0	223,618,910	0	223,618,910

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. ABCD Overtime, Temp Staff and Termination Payouts (Biennial)											
0	0	0	365,000	0	365,000	0	0	0	365,000	0	365,000
4. Cannabis Control Division (04)											
0	97,480,622	0	0	0	97,480,622	0	97,479,897	0	0	0	97,479,897
~~a. CCD Contract Increase (Restricted/Biennial)~~											
~~0~~	~~519,215~~	~~0~~	~~0~~	~~0~~	~~519,215~~	~~0~~	~~607,197~~	~~0~~	~~0~~	~~0~~	~~607,197~~
5. Information Management and Collections Division (05)											
7,343,280	146,597	0	16,890	0	7,506,767	7,426,918	146,597	0	16,890	0	7,590,405
a. Property Tax Revision Implementation (Biennial)											
56,000	0	0	0	0	56,000	171,600	0	0	0	0	171,600
6. Business and Income Taxes Division (07)											
12,778,037	951,758	503,023	0	0	14,232,818	12,842,075	976,758	503,023	0	0	14,321,856
7. Property Assessment Division (08)											
27,280,826	17,276	0	0	0	27,298,102	27,428,498	17,276	0	0	0	27,445,774
a. HB 154 - Property Tax Revision Implementation (Biennial)											
0	0	0	0	0	0	1,097,143	0	0	0	0	1,097,143
b. HB 155 - Property Tax Revision Implementation (Biennial)											
57,234	0	0	0	0	57,234	57,234	0	0	0	0	57,234
c. Property Tax Revision Implementation (Biennial)											
1,031,740	0	0	0	0	1,031,740	1,728,640	0	0	0	0	1,728,640
Total											
69,434,118	99,670,647	503,023	224,531,518	0	394,139,306	71,998,322	99,782,904	503,023	224,547,989	0	396,832,238

If HB 2 is passed and approved and contains (1) $514,870 in FY 2026 and $503,434 in FY 2027 and (2) 4.00 PB in FY 2026 and 4.00 PB in FY 2027 in the Cannabis Control Division of the Department of Revenue for the purpose of increased compliance resources regarding new marijuana licensees being accepted by the Department of Revenue and a bill is passed that extends the date that new marijuana licensees may be accepted by the Department of Revenue to July 1, 2027, or later pursuant to section 16-12-201, MCA, then: (1) state special revenue appropriations to the Cannabis Control Division of the Department of Revenue are decreased by $514,870 in FY 2026 and $503,434 in FY 2027; and (2) PB for the division are decreased by 4.00 in FY 2026 and FY 2027.

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If HB 231 is not passed and approved, then the appropriations for "Property Tax Revision Implementation" in the Director's Office, Information Management and Collections Division, and Property Assessment Division are void.

If HB 154 is not passed and approved, then the appropriations for HB 154 - Property Tax Revision Implementation are void.

If HB 155 is not passed and approved, then the appropriations for HB 155 - Property Tax Revision Implementation are void.

If HB 29 is passed and approved, the Department of Revenue is increased by $96,688 general fund in FY 2027, and the Department of Revenue may increase positions budgeted authorized in HB 2 by 1.00 in FY 2027.

If HB 920 is passed and approved, the Department of Revenue is increased by $20,000 general fund in FY 2026.

If SB 253 is passed and approved, the Department of Revenue is increased by $72,699 general fund in FY 2026 and $66,783 general fund in FY 2027, and the Department of Revenue may increase positions budgeted authorized in HB 2 by 0.50 PB in FY 2026 and 0.50 PB in FY 2027.

If SB 337 is passed and approved, the Department of Revenue is increased by $57,632 general fund in FY 2026 and $55,467 general fund in FY 2027, and the Department of Revenue may increase positions budgeted authorized in HB 2 by 0.50 PB in FY 2026 and 0.50 PB in FY 2027.

If SB 424 is passed and approved, the Department of Revenue is increased by $77,231 general fund in FY 2026 and $48,730 general fund in FY 2027, and the Department of Revenue may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2026 and 0.50 PB in FY 2027.

If SB 321 is passed and approved, the Department of Revenue is increased by $116,211 general fund in FY 2027, and the Department of Revenue may increase positions budgeted authorized in HB 2 by 1.50 PB in FY 2027.

DEPARTMENT OF ADMINISTRATION (61010)

1. Director's Office (01)											
50,294,548	0	22,707	0	0	50,317,255	50,729,365	0	22,707	0	0	50,752,072
2. Governor Elect Program (02)											
0	0	0	0	0	0	0	0	0	0	0	0
3. State Financial Services Division (03)											
1,861,526	0	5,828	87,878	0	1,955,232	1,861,947	0	5,828	87,878	0	1,955,653
a. Legislative Audit (Restricted/Biennial)											
1,155,726	0	0	0	0	1,155,726	0	0	0	0	0	0
4. Architecture and Engineering Division (04)											
0	3,053,205	0	0	0	3,053,205	0	3,058,795	0	0	0	3,058,795
5. State Procurement Services Division (05)											
1,439,976	604,999	0	0	0	2,044,975	1,441,171	602,778	0	0	0	2,043,949

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
6. State Information Technology Services Division (07)											
250,000	0	0	0	0	250,000	250,000	0	0	0	0	250,000
7. Banking and Financial Institutions Division (14)											
0	5,117,817	0	0	0	5,117,817	0	5,122,842	0	0	0	5,122,842
8. Montana State Lottery (15)											
0	0	0	6,680,718	0	6,680,718	0	0	0	6,692,287	0	6,692,287
a. Legislative Audit (Restricted/Biennial)											
0	0	0	155,430	0	155,430	0	0	0	0	0	0
9. State Human Resources Division (23)											
2,404,105	0	0	0	0	2,404,105	2,403,753	0	0	0	0	2,403,753
10. Montana Tax Appeal Board (37)											
797,780	0	0	0	0	797,780	799,046	0	0	0	0	799,046
Total											
58,203,661	8,776,021	28,535	6,924,026	0	73,932,243	57,485,282	8,784,415	28,535	6,780,165	0	73,078,397

If the Montana State Lottery Division does not conduct a request for proposal to obtain its contract for gambling services, the division's proprietary authority will be reduced by $500,000 in both fiscal years of the 2027 biennium.

The Legislative Audit Division will conduct a performance audit in the 2027 biennium of the Montana State Lottery contract procurement process.

It is the intent of the Legislature in each fiscal year of the 2027 biennium that if the Department of Administration is not able to deliver draft statewide financial statements to the Legislative Auditor by November 30, the Director of the Department of Administration shall make a written report to the Legislative Audit Committee explaining the reasons for any delay and identifying whether any specific agencies or component units have not provided information to the department in a timely manner.

It is the intent of the Legislature that the gambling services contract require the new contract winner to pay up to $50,000 a year for problem gambling addiction services.

If [an act] is passed and approved to require the Board of Investments to operate as a fiduciary, then the State Financial Services Division's general fund is increased by $87,878 in each fiscal year of the 2027 biennium and proprietary funds are decreased by the same amount in each fiscal year of the 2027 biennium.

If HB 722 is not passed and approved, general fund appropriations in the State Information Technology Services Division are reduced by $250,000 in FY 2026 and $250,000 in FY 2027.

If HB 632 is passed and approved, the Department of Administration is increased by $1,650 general fund in FY 2026 and $1,650 general fund in FY 2027.

If SB 5 is passed and approved, the Department of Administration is increased by $7,700 general fund in FY 2026 and $7,700 general fund in FY 2027.

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
DEPARTMENT OF COMMERCE (65010)											
1. Business MT (51)											
3,050,764	2,429,321	887,795	0	0	6,367,880	3,060,559	2,430,335	888,908	0	0	6,379,802
2. Brand MT (52)											
0	210,157	0	0	0	210,157	0	210,157	0	0	0	210,157
3. Community MT (60)											
2,072,125	4,899,938	8,287,648	0	0	15,259,711	2,077,630	4,905,079	8,290,146	0	0	15,272,855
4. Housing MT (74)											
0	0	12,018,492	0	0	12,018,492	0	0	12,022,834	0	0	12,022,834
a. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
0	0	95,379	0	0	95,379	0	0	0	0	0	0
5. Board of Horse Racing (78)											
250,000	241,712	0	0	0	491,712	250,000	241,878	0	0	0	491,878
6. Montana Heritage Commission (80)											
0	2,633,614	0	0	0	2,633,614	0	2,635,651	0	0	0	2,635,651
a. Capital Improvements (Biennial/OTO)											
0	250,000	0	0	0	250,000	0	250,000	0	0	0	250,000
7. Director's Office (81)											
1,071,853	8,975	600,000	0	0	1,680,828	1,082,820	8,975	600,000	0	0	1,691,795
~~a. Travel Expense Reimbursement (Restricted)~~											
~~29,702~~	~~0~~	~~0~~	~~0~~	~~0~~	~~29,702~~	~~0~~	~~0~~	~~0~~	~~0~~	~~0~~	~~0~~
Total											
6,474,444	10,673,717	21,889,314	0	0	39,037,475	6,471,009	10,682,075	21,801,888	0	0	38,954,972

All federal special revenue appropriations in the Housing MT Division are biennial.

It is the intent of the Legislature that the capital improvements authority in the Montana Heritage Commission will be used to replace and restore brickwork and water drainage in Reeder's Alley and stabilize, weatherize, and restore the Grace Methodist Church in Virginia City. The Montana Heritage Commission will report quarterly to the Section A Interim Budget Committee on the progress of these projects.

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If [an act] is not passed and approved that authorizes the accommodations tax state special revenue fund to be used for the capital improvements projects, then the capital improvements is void.

~~The Travel Expense Reimbursement line item is to reimburse travel expenses that were overpaid by employees in previous biennia.~~

If HB 182 is passed and approved, the Department of Commerce is increased by $95,650 one-time-only general fund in FY 2027, and the Department of Commerce may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2026 and 1.00 PB in FY 2027.

If HB 313 is passed and approved, the Department of Commerce is increased by $54,123 one-time-only general fund in FY 2026 and $55,477 one-time-only general fund in FY 2027, and the Department of Commerce may increase positions budgeted authorized in HB 2 by 0.50 PB in FY 2026 and 0.50 PB in FY 2027.

If SB 116 is passed and approved, the Department of Commerce is decreased by $3,798 state special revenue in FY 2026 and $6,330 state special revenue in FY 2027.

If SB 409 is passed and approved, the Department of Commerce is increased by $282,880 state special revenue in FY 2026 and $335,467 state special revenue in FY 2027.

DEPARTMENT OF LABOR AND INDUSTRY (66020)

1. Workforce Services Division (01)											
277,897	15,830,536	19,798,265	0	0	35,906,698	278,175	15,398,309	19,821,964	0	0	35,498,448
a. Career and Technical Education - HB 252											
0	218,059	0	0	0	218,059	0	193,025	0	0	0	193,025
2. Unemployment Insurance Division (02)											
0	7,918,103	11,372,013	0	0	19,290,116	0	7,907,740	11,416,006	0	0	19,323,746
3. Commissioner's Office and Centralized Services Division (03)											
344,885	783,287	602,216	0	0	1,730,388	346,126	784,051	603,844	0	0	1,734,021
a. Operations Resources (Biennial/OTO)											
0	100,000	0	0	0	100,000	0	0	0	0	0	0
4. Employment Standards Division (05)											
38,317	37,879,351	1,490,977	0	0	39,408,645	41,978	37,939,642	1,493,466	0	0	39,475,086
5. Office of Community Services (07)											
466,777	295,000	4,045,224	0	0	4,807,001	467,026	295,000	4,045,977	0	0	4,808,003

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
6. Workers' Compensation Court (09)											
0	726,421	0	0	0	726,421	0	727,178	0	0	0	727,178
Total											
1,127,876	63,750,757	37,308,695	0	0	102,187,328	1,133,305	63,244,945	37,381,257	0	0	101,759,507

If HB 2 and HB 656 are not both passed and approved, then appropriations to the Employment Standards Division of the Department of Labor and Industry in HB 2 are to change as follows: general fund appropriations to increase $1,859,421 in FY 2026 and increase $1,859,421 in FY 2027, and state special revenue appropriations to decrease $1,859,421 in FY 2026 and decrease $1,859,421 in FY 2027.

If HB 2 and HB 656 are not both passed and approved, then state special revenue appropriations in HB 2 for the Office of Community Services within the Department of Labor and Industry are to decrease $295,000 in FY 2026 and $295,000 in FY 2027.

If HB 2 and HB 656 are both passed and approved, then general fund appropriations in HB 2 for the Office of Community Services within the Department of Labor and Industry are to decrease $295,000 in FY 2026 and $295,000 in FY 2027.

If HB 2 and HB 656 are not both passed and approved, then appropriations to the Workforce Services Division of the Department of Labor and Industry in HB 2 are to change as follows: state special revenue appropriations to decrease $525,000 in FY 2026 and decrease $525,000 in FY 2027, and federal special revenue appropriations to decrease $1,600,303 in FY 2026 and decrease $1,600,303 in FY 2027.

If HB 2 and HB 252 are not both passed and approved, then the appropriations for Career and Technical Education – HB 252 within the Workforce Services Division are void.

If HB 210 is passed and approved, the Department of Labor and Industry is increased by $18,000 state special revenue in FY 2026.

If HB 226 is passed and approved, the Department of Labor and Industry is increased by $23,599 state special revenue in FY 2026 and $20,799 state special revenue in FY 2027.

If HB 241 is passed and approved, the Department of Labor and Industry is increased by $13,080 state special revenue in FY 2026.

If HB 447 is passed and approved, the Department of Labor and Industry is increased by $13,080 state special revenue in FY 2026.

If HB 516 is passed and approved, the Department of Labor and Industry is increased by $500,000 state special revenue in FY 2026, and the Department of Labor and Industry shall decrease positions budgeted authorized in HB 2 by 5.00 PB in FY 2026 and 5.00 PB in FY 2027.

If HB 686 is passed and approved, the Department of Labor and Industry is increased by $3,200 state special revenue in FY 2026 and $3,200 state special revenue in FY 2027.

If HB 718 and HB 656 are both passed and approved, the Department of Labor and Industry is increased by $510,773 state special revenue in FY 2026 and $502,373 in FY 2027, and the Department of Labor and Industry may increase positions budgeted authorized in HB 2 by 3.00 PB in FY 2026 and 3.00 PB in FY 2027.

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If HB 806 is passed and approved, the Department of Labor and Industry is increased by $20,200 state special revenue in FY 2026.

If HB 850 is passed and approved, the Department of Labor and Industry is increased by $38,500 state special revenue in FY 2026.

If SB 33 is passed and approved, the Department of Labor and Industry is increased by $91,829 state special revenue in FY 2026 and $90,429 in FY 2027, and the Department of Labor and Industry may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2026 and 1.00 PB in FY 2027.

If SB 233 is passed and approved, the Department of Labor and Industry is increased by $13,080 state special revenue in FY 2026.

If SB 279 is passed and approved, the Department of Labor and Industry is increased by $13,080 state special revenue in FY 2026.

If SB 518 is passed and approved, the Department of Labor and Industry is increased by $58,600 state special revenue in FY 2026.

If SB 867 is passed and approved, the Department of Labor and Industry is increased by $29,000 state special revenue in FY 2026 and $29,000 state special revenue in FY 2027.

If HB 929 is passed and approved, the Department of Labor and Industry is increased by $20,200 state special revenue in FY 2026.

If SB 535 is passed and approved, the Department of Labor and Industry is increased by $13,080 state special revenue in FY 2026.

If SB 319 is passed and approved, the Department of Labor and Industry is increased by $18,100 state special revenue in FY 2026.

DEPARTMENT OF MILITARY AFFAIRS (67010)

1. Director's Office (01)											
1,324,407	0	710,730	0	0	2,035,137	1,308,095	0	712,021	0	0	2,020,116
2. Challenge Program (02)											
1,517,224	0	4,708,416	0	0	6,225,640	1,515,910	0	4,704,916	0	0	6,220,826
3. Scholarship Program (03)											
250,000	0	0	0	0	250,000	250,000	0	0	0	0	250,000
4. Starbase (04)											
0	0	1,665,393	0	0	1,665,393	0	0	1,694,758	0	0	1,694,758
5. Army National Guard Program (12)											
1,648,153	3,920	19,825,467	0	0	21,477,540	1,627,968	3,920	19,839,178	0	0	21,471,066
a. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
10,546	0	31,640	0	0	42,186	0	0	0	0	0	0
b. Contracted Services											
418,337	0	0	0	0	418,337	439,253	0	0	0	0	439,253

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
6. Air National Guard Program (13)											
420,758	0	6,312,581	0	0	6,733,339	421,619	0	6,455,082	0	0	6,876,701
7. Disaster and Emergency Services (21)											
2,125,167	204,756	16,718,790	0	0	19,048,713	2,128,221	204,756	16,722,892	0	0	19,055,869
a. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
21,094	0	21,094	0	0	42,188	0	0	0	0	0	0
8. Veterans' Affairs Program (31)											
3,594,634	1,342,204	0	0	0	4,936,838	3,645,085	1,296,026	0	0	0	4,941,111
a. Firearm Safe Storage (Restricted/Biennial/OTO)											
150,000	0	0	0	0	150,000	150,000	0	0	0	0	150,000
Total											
11,480,320	1,550,880	49,994,111	0	0	63,025,311	11,486,151	1,504,702	50,128,847	0	0	63,119,700

If HB 944 is passed and approved and contains language for an exception in carryforward authority for this purpose, then any amount of the general fund appropriations for Contracted Services within the Army National Guard Program, $418,337 in FY 2026 and $439,253 in FY 2027, that is unexpended at the close of each corresponding fiscal year must revert back to the general fund.

If HB 252 is passed and approved, the Department of Military Affairs is increased by $18,915 general fund in FY 2026 and $19,480 general fund in FY 2027.

If SB 327 is passed and approved, the Department of Military Affairs is increased by $706 state special revenue in FY 2026 and $1,306 state special revenue in FY 2027.

TOTAL SECTION A											
184,356,392	218,484,117	154,831,476	231,508,387	0	789,180,372	182,704,499	221,041,296	159,843,550	231,328,154	0	794,917,499

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
B. DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES											
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (69010)											
1. Disability Employment and Transitions (01)											
7,399,204	2,230,477	22,740,941	0	0	32,370,622	8,017,777	2,275,628	22,772,292	0	0	33,065,697
2. Human and Community Services (02)											
26,379,972	2,108,147	271,940,329	0	0	300,428,448	26,282,529	2,111,432	271,867,379	0	0	300,261,340
a. Office of Public Assistance Overtime HCSD (Restricted)											
80,874	12,637	159,219	0	0	252,730	80,874	12,637	159,219	0	0	252,730
b. Funding for Medically Needy Personnel (Restricted/Biennial/OTO)											
126,175	0	341,141	0	0	467,316	126,175	0	341,141	0	0	467,316
~~c. Increase Funding for After-School Programs (Restricted/Biennial/OTO)~~											
~~0~~	~~0~~	~~1,000,000~~	~~0~~	~~0~~	~~1,000,000~~	~~0~~	~~0~~	~~1,000,000~~	~~0~~	~~0~~	~~1,000,000~~
~~d. Increase Funding to Entities Providing Child Mentorship Programs (Restricted/Biennial/OTO)~~											
~~0~~	~~0~~	~~500,000~~	~~0~~	~~0~~	~~500,000~~	~~0~~	~~0~~	~~500,000~~	~~0~~	~~0~~	~~500,000~~
~~e. Increase Funding to Entities That Advocate for Children in Legal Settings (Restricted/Biennial/OTO)~~											
~~0~~	~~0~~	~~500,000~~	~~0~~	~~0~~	~~500,000~~	~~0~~	~~0~~	~~500,000~~	~~0~~	~~0~~	~~500,000~~
~~f. Increase Funding to Food Banks (Restricted/Biennial/OTO)~~											
~~0~~	~~0~~	~~1,000,000~~	~~0~~	~~0~~	~~1,000,000~~	~~0~~	~~0~~	~~1,000,000~~	~~0~~	~~0~~	~~1,000,000~~
3. Child and Family Services (03)											
80,330,994	1,473,989	48,892,013	0	0	130,696,996	82,524,633	1,471,928	49,649,990	0	0	133,646,551
a. Holiday/Overtime/Differential CFSD (Restricted)											
761,391	0	156,812	0	0	918,203	799,460	0	164,653	0	0	964,113
4. Director's Office (04)											
5,475,520	3,246,761	7,419,042	0	0	16,141,323	5,486,235	3,247,629	7,430,161	0	0	16,164,025
5. Child Support Services (05)											
3,701,750	363,458	8,592,111	0	0	12,657,319	3,710,021	363,458	8,608,166	0	0	12,681,645
6. Business and Financial Services (06)											
5,111,691	1,566,262	7,153,553	0	0	13,831,506	5,150,765	1,569,911	7,186,170	0	0	13,906,846

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
524,449	44,692	410,721	0	0	979,862	0	0	0	0	0	0
7. Public Health and Safety Division (07)											
3,357,262	14,441,694	22,112,051	0	0	39,911,007	3,324,954	14,433,171	22,181,569	0	0	39,939,694
a. Tobacco Use Prevention Program Contingent Funding (OTO)											
0	1,300,000	0	0	0	1,300,000	0	1,300,000	0	0	0	1,300,000
b. Tobacco Use Prevention Program Funding (OTO)											
0	1,000,000	0	0	0	1,000,000	0	1,000,000	0	0	0	1,000,000
8. Office of Inspector General (08)											
2,774,769	1,040,990	6,181,460	0	0	9,997,219	2,783,228	1,041,199	6,191,511	0	0	10,015,938
9. Technology Services Division (09)											
30,073,406	2,344,589	51,486,965	0	0	83,904,960	34,969,644	2,489,523	62,251,787	0	0	99,710,954
10. Behavioral Health and Developmental Disabilities (10)											
150,594,574	34,151,260	356,346,186	0	0	541,092,020	162,952,201	33,982,845	377,423,600	0	0	574,358,646
a. BHSFG 04. Redefine and Reopen Evaluation and Diagnostic Clinics (Restricted)											
0	50,000	0	0	0	50,000	0	1,000,000	0	0	0	1,000,000
b. Provide Medicaid Home Visiting for Individuals with SUD or SDMI (Restricted)											
0	645,176	1,035,408	0	0	1,680,584	0	667,000	1,063,994	0	0	1,730,994
c. BHSFG 01. Reconfigure the Current 0208 Waiver Services Rates (Restricted/Biennial)											
0	218,753	218,750	0	0	437,503	0	2,091,168	2,498,132	0	0	4,589,300
d. BHSFG 03. Service Delivery System for Complex Needs (Restricted/Biennial)											
0	1,395,000	0	0	0	1,395,000	0	4,090,350	3,389,650	0	0	7,480,000
e. BHSFG 08. Implement a Care Transitions Program (Restricted/Biennial)											
0	0	0	0	0	0	0	1,239,576	0	0	0	1,239,576
f. BHSFG 18. School-Based Behavioral Health Initiatives (Restricted/Biennial)											
0	1,764,145	0	0	0	1,764,145	0	1,764,145	0	0	0	1,764,145
g. BHSFG 17. Redesign Rates for In-State Youth Residential Services (Restricted/Biennial/OTO)											
0	75,000	75,000	0	0	150,000	0	1,247,516	2,003,764	0	0	3,251,280

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
h. BHSFG 19. BH and DD Workforce Incentivization (Restricted/Biennial/OTO)											
0	7,715,000	0	0	0	7,715,000	0	565,000	0	0	0	565,000
i. BHSFG 22. Certified Community Behavioral Health Clinics (Restricted/Biennial/OTO)											
0	0	0	0	0	0	0	8,436,984	31,924,371	0	0	40,361,355
j. BHSFG 9.1 988 Marketing Campaign (Restricted/Biennial/OTO)											
0	500,000	0	0	0	500,000	0	500,000	0	0	0	500,000
k. Fund Mental Health Community Crisis Beds (Restricted/Biennial/OTO)											
0	1,250,000	0	0	0	1,250,000	0	1,250,000	0	0	0	1,250,000
l. Increase Psychiatric Residential Treatment Facility Bed Capacity (Restricted/OTO)											
0	1,237,000	0	0	0	1,237,000	0	0	0	0	0	0
m. BHSFG 06. Funding for Targeted Case Management (Restricted/Biennial)											
0	355,273	125,000	0	0	480,273	0	1,105,273	125,000	0	0	1,230,273
11. Health Resources Division (11)											
260,434,741	145,198,374	1,282,395,965	0	0	1,688,029,080	279,289,454	145,803,727	1,327,641,503	0	0	1,752,734,684
~~a. Provider Rate Increases for Air Ambulance Providers~~											
~~850,000~~	~~0~~	~~4,507,059~~	~~0~~	~~0~~	~~5,357,059~~	~~850,000~~	~~0~~	~~4,503,037~~	~~0~~	~~0~~	~~5,353,037~~
12. Medicaid and Health Services Management (12)											
1,416,917	48,835	3,891,759	0	0	5,357,511	1,417,059	48,845	3,891,939	0	0	5,357,843
13. Operations Services Division (16)											
894,189	671,275	1,271,159	0	0	2,836,623	896,792	671,458	1,274,256	0	0	2,842,506
14. Senior and Long-Term Care Services (22)											
116,197,031	30,479,540	241,366,900	0	0	388,043,471	124,125,416	30,494,786	254,049,465	0	0	408,669,667
15. Early Childhood and Family Support (25)											
21,244,229	3,847,507	78,446,815	0	0	103,538,551	21,924,647	3,847,660	78,575,649	0	0	104,347,956
16. Health Care Facilities (33)											
69,913,540	18,424,042	15,245,122	0	0	103,582,704	70,099,337	18,462,367	15,970,233	0	0	104,531,937
a. Montana State Hospital Beds (OTO)											
0	10,516,567	0	0	0	10,516,567	0	10,516,567	0	0	0	10,516,567

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Facility Wage Increases (Restricted)											
883,932	159,519	0	0	0	1,043,451	1,630,489	250,361	0	0	0	1,880,850
c. Facility Wage Standardization (Restricted)											
721,044	0	0	0	0	721,044	721,044	0	0	0	0	721,044
d. Personal Services Funding for the Montana State Hospital (Restricted)											
5,000,000	0	0	0	0	5,000,000	10,000,000	0	0	0	0	10,000,000
e. Overtime/Holiday/Differential IBC (Restricted/Biennial)											
135,203	0	0	0	0	135,203	135,203	0	0	0	0	135,203
f. Overtime/Holiday/Differential MCDC (Restricted/Biennial)											
0	65,964	0	0	0	65,964	0	65,964	0	0	0	65,964
g. Overtime/Holiday/Differential MHNCC (Restricted/Biennial)											
177,041	0	0	0	0	177,041	177,041	0	0	0	0	177,041
h. Overtime/Holiday/Differential MSH (Restricted/Biennial)											
495,473	0	0	0	0	495,473	495,473	0	0	0	0	495,473
i. Overtime/Holiday/Differential MVH (Restricted/Biennial)											
0	137,190	69,459	0	0	206,649	0	137,190	69,459	0	0	206,649
j. Operational Costs for MHNCC D-Wing Repurposing and Licensing (Restricted/Biennial/OTO)											
3,157,864	0	0	0	0	3,157,864	6,424,001	0	0	0	0	6,424,001
k. Operational Costs for MSH Grasslands - Continued Subacute Step-Down (Restricted/Biennial/OTO)											
0	6,229,092	0	0	0	6,229,092	0	3,966,125	0	0	0	3,966,125
~~l. Student Loan Repayment Program (Restricted/Biennial/OTO)~~											
~~0~~	~~1,500,000~~	~~0~~	~~0~~	~~0~~	~~1,500,000~~	~~0~~	~~1,500,000~~	~~0~~	~~0~~	~~0~~	~~1,500,000~~
m. Facility Operations (Restricted/OTO)											
20,034,660	0	0	0	0	20,034,660	9,424,836	0	0	0	0	9,424,836
Total											
818,247,895	297,808,208	2,435,580,940	0	0	3,551,637,043	863,819,288	305,021,423	2,566,208,090	0	0	3,735,048,801

The line-item BHSFG 22. Certified Community Behavioral Health Clinics (Restricted/Biennial/OTO) is void if a bill containing provisions for the implementation of the certified community behavioral health clinic (CCBHC) model is not passed and approved.

	Fiscal 2026						Fiscal 2027					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

~~The line-item Student Loan Repayment Program (Restricted/Biennial/OTO) is restricted to a student loan repayment program for nurses, licensed practical nurses, and psychiatrists at the Montana State Hospital or other state-run facilities. It is the intent of the Legislature that these funds be prioritized for positions at the Montana State Hospital.~~

The line-item Increase Psychiatric Residential Treatment Facility Bed Capacity (Restricted/OTO) is restricted to grants for increasing psychiatric residential treatment facility bed capacity across the state of Montana with the intention of prioritizing the youngest and highest-need kids.

It is the intent of the Legislature that the Tribal Relations Manager position be returned to the direct supervision of the director of the Department of Public Health and Human Services, that this position report directly to the director, and that this position be located in Helena within department offices. It is the intent of the Legislature that this be done by June 30, 2025.

The line-item Montana State Hospital Beds (OTO) is contingent on passage of a bill that permits the use of state special revenue funds as provided in section 50-1-119, MCA, for expenditures for operating the Montana State Hospital.

The line-item Tobacco Use Prevention Program Contingent Funding (OTO) is void in any fiscal year during which the Department of Public Health and Human Services receives federal tobacco control program funding.

If HB 401 is passed and approved, the Department of Public Health and Human Services is increased by $7,942 general fund in FY 2026.

If HB 574 is passed and approved, the Department of Public Health and Human Services may increase positions budgeted authorized in HB 2 by 2.00 PB in FY 2026 and 2.00 PB in FY 2027.

If HB 585 is passed and approved, the Department of Public Health and Human Services is increased by $2,761,609 general fund and $6,205,177 federal special revenue in FY 2026 and $2,768,857 general fund and $6,175,842 federal special revenue in FY 2027.

If HB 610 is passed and approved, the Department of Public Health and Human Services is increased by $4,872,084 general fund and $13,432,911 federal special revenue in FY 2026 and $5,263,880 general fund and $14,451,596 federal special revenue in FY 2027.

If HB 850 is passed and approved, the Department of Public Health and Human Services is increased by $183,385 general fund and $576,253 federal special revenue as one-time-only in FY 2026 and $372,784 general fund and $1,166,588 federal special revenue as one-time-only in FY 2027.

If HB 851 is passed and approved, the Department of Public Health and Human Services is increased by $1,561,215 general fund and $362,486 state special revenue in FY 2026 and $2,534,722 general fund and $530,299 state special revenue in FY 2027, and the Department of Public Health and Human Services may increase positions budgeted authorized in HB 2 by 22.00 PB in FY 2026 and 22.00 PB in FY 2027.

If HB 853 is passed and approved, the Department of Public Health and Human Services is increased by $1,344,589 state special revenue in FY 2026 and $1,344,589 state special revenue in FY 2027.

If HB 881 is passed and approved, the Department of Public Health and Human Services is increased by $527,591 general fund and $620,498 federal special revenue in FY 2026 and $552,858 general fund and $580,592 federal special revenue in FY 2027.

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If SB 72 is passed and approved, the Department of Public Health and Human Services is increased by $843,712 general fund and $1,412,170 federal special revenue in FY 2026 and $498,231 general fund and $809,413 federal special revenue in FY 2027.

If SB 191 is passed and approved, the Department of Public Health and Human Services is increased by $13,564 general fund in FY 2026 and $13,564 general fund in FY 2027.

If SB 319 is passed and approved, the Department of Public Health and Human Services is increased by $117,627 general fund and $338,373 federal special revenue as one-time-only in FY 2027 and is restricted to Medicaid benefits and claims for doula services.

If SB 524 is passed and approved, the Department of Public Health and Human Services is increased by $665,477 general fund and $326,865 federal special revenue in FY 2026 and $5,176,159 general fund and $2,418,615 federal special revenue in FY 2027.

If SB 565 is passed and approved, the Department of Public Health and Human Services is increased by $127,098 general fund in FY 2026 and $124,616 general fund in FY 2027, and the Department of Public Health and Human Services may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2026 and 1.00 PB in FY 2027.

TOTAL SECTION B											
818,247,895	297,808,208	2,435,580,940	0	0	3,551,637,043	863,819,288	305,021,423	2,566,208,090	0	0	3,735,048,801

	Fiscal 2026						Fiscal 2027					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
C. NATURAL RESOURCES AND TRANSPORTATION												
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (52010)												
1. Technical Services Division (01)												
	0	10,135,261	167,895	0	0	10,303,156	0	10,107,169	167,895	0	0	10,275,064
2. Fisheries Division (03)												
	0	11,003,401	13,587,765	0	0	24,591,166	0	11,024,858	13,616,094	0	0	24,640,952
a. SPA Coordination (OTO)												
	0	107,241	0	0	0	107,241	0	107,241	0	0	0	107,241
3. Enforcement Division (04)												
	0	17,035,890	46,226	0	0	17,082,116	0	16,680,217	46,226	0	0	16,726,443
4. Wildlife Division (05)												
	0	12,512,359	11,692,880	0	0	24,205,239	0	12,665,155	11,714,052	0	0	24,379,207
a. Equipment (Biennial/OTO)												
	0	286,000	0	0	0	286,000	0	0	0	0	0	0
5. Parks and Outdoor Recreation Division (06)												
	0	28,336,362	5,462,218	0	0	33,798,580	0	28,359,775	5,462,218	0	0	33,821,993
a. Recreational Equipment (Biennial/OTO)												
	0	149,500	0	0	0	149,500	0	0	0	0	0	0
b. AmeriCorps Operations Increase (OTO)												
	0	177,000	0	0	0	177,000	0	177,000	0	0	0	177,000
c. Fishing Access Weed Control and Riparian Habitat (Restricted/Biennial/OTO)												
	0	66,875	0	0	0	66,875	0	66,875	0	0	0	66,875
d. Fishing and Water Access Sites (Restricted/Biennial/OTO)												
	0	51,750	0	0	0	51,750	0	51,750	0	0	0	51,750
6. Communication and Education Division (08)												
	0	4,814,244	1,391,232	0	0	6,205,476	0	4,820,250	1,376,532	0	0	6,196,782
a. Publication Specialist (OTO)												
	0	50,472	0	0	0	50,472	0	50,472	0	0	0	50,472

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
7. Administration (09)											
0	27,114,278	1,759,127	0	0	28,873,405	0	27,363,032	1,759,127	0	0	29,122,159
a. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
0	48,819	0	0	0	48,819	0	0	0	0	0	0
Total											
0	111,889,452	34,107,343	0	0	145,996,795	0	111,473,794	34,142,144	0	0	145,615,938

The Department of Fish, Wildlife, and Parks is authorized to adjust the appropriations between state special revenue and federal special revenue by like amounts in order to respond to increases or reductions in annual federal funding received during the biennium.

The snowmobile trail groomer appropriation in the Parks and Outdoor Recreation Division of $300,000 a year is biennial.

The Department of Fish, Wildlife, and Parks shall report to the Environmental Quality Council and the Joint Interim Budget Committee for Natural Resources and Transportation by the first day of December of each year of the 2027 Biennium on the actual habitat enhanced and actual areas treated for weeds.

If HB 145 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $7,201,710 state special revenue in FY 2026 and $7,201,710 state special revenue in FY 2027.

If HB 330 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $37,724 state special revenue in FY 2026 and $37,724 state special revenue in FY 2027.

If HB 568 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $120,000 state special revenue in FY 2026.

If HB 855 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $8,120 general fund in FY 2026.

If SB 165 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $380,835 state special revenue in FY 2026 and $380,835 state special revenue in FY 2027.

If SB 238 is passed and approved, the Department of Fish, Wildlife, and Parks is increased by $33,648 state special revenue in FY 2026 and $84,121 state special revenue in FY 2027.

DEPARTMENT OF ENVIRONMENTAL QUALITY (53010)

1. Central Management Program (10)											
1,872,582	2,697,560	873,770	0	0	5,443,912	1,879,601	2,697,560	874,551	0	0	5,451,712
a. Montana Environmental Policy Act, Streamlining Environmental Reviews (Restricted/Biennial/OTO)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
2. Water Quality Division (20)											
3,517,297	8,475,099	8,999,405	0	0	20,991,801	3,513,493	8,480,537	9,009,848	0	0	21,003,878
3. Waste Management and Remediation Division (40)											
739,824	12,288,408	11,374,388	0	0	24,402,620	743,154	12,306,209	11,379,279	0	0	24,428,642
4. Air, Energy, and Mining Division (50)											
2,156,311	12,563,818	5,177,273	0	0	19,897,402	2,156,389	12,580,751	5,183,150	0	0	19,920,290
5. Libby Asbestos Superfund Advisory Team (80)											
0	488,686	0	0	0	488,686	0	488,686	0	0	0	488,686
6. Petroleum Tank Release Compensation Board (90)											
0	934,793	0	0	0	934,793	0	935,052	0	0	0	935,052
Total											
8,386,014	37,448,364	26,424,836	0	0	72,259,214	8,392,637	37,488,795	26,446,828	0	0	72,328,260

The Water Quality Division is authorized to decrease federal special revenue and increase state special revenue in the drinking water or water pollution control revolving loan programs by a like amount within the administration account, when the amount of federal capitalization funds has been expended or when federal funds and bond proceeds will be used for other program purposes.

If HB 58 is not passed and approved, HB 2 state special revenue in the Air, Energy, and Mining Division is reduced by $500,000 in FY 2026 and $500,000 in FY 2027.

If HB 69 is not passed and approved, HB 2 state special revenue in the Air, Energy, and Mining Division is reduced by $200,000 in FY 2026 and $200,000 in FY 2027.

DEPARTMENT OF TRANSPORTATION (54010)

1. General Operations Program (01)											
0	41,843,028	1,579,990	0	0	43,423,018	0	41,178,599	1,581,788	0	0	42,760,387
a. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
0	274,478	0	0	0	274,478	0	0	0	0	0	0
2. Highways and Engineering (02)											
0	129,692,619	632,470,936	0	0	762,163,555	0	132,431,981	649,861,008	0	0	782,292,989

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Construction Equipment Repair and Replacement (OTO)											
0	1,020,895	0	0	0	1,020,895	0	1,020,895	0	0	0	1,020,895
3. Maintenance Program (03)											
0	177,210,669	13,579,349	0	0	190,790,018	0	177,383,007	13,560,407	0	0	190,943,414
a. Permanent Variable Message Signs (OTO)											
0	329,333	1,470,667	0	0	1,800,000	0	0	0	0	0	0
4. Motor Carrier Services (22)											
0	10,786,656	5,225,615	0	0	16,012,271	0	10,812,264	5,233,466	0	0	16,045,730
5. Aeronautics Program (40)											
0	2,108,538	1,388,812	0	0	3,497,350	0	2,114,784	1,388,880	0	0	3,503,664
6. Rail, Transit, and Planning (50)											
0	17,078,019	59,001,240	0	0	76,079,259	0	15,717,604	50,787,289	0	0	66,504,893
Total											
0	380,344,235	714,716,609	0	0	1,095,060,844	0	380,659,134	722,412,838	0	0	1,103,071,972

The Department of Transportation may adjust appropriations between state special revenue and federal special revenue funds if the total state special revenue authority by program is not increased by more than 10% of the total appropriations established by the Legislature.

All appropriations in the Department of Transportation are biennial.

DEPARTMENT OF LIVESTOCK (56030)

1. Centralized Services Division (01)											
303,440	2,476,606	0	0	0	2,780,046	303,155	2,482,999	0	0	0	2,786,154
2. Animal Health Division (04)											
4,378,829	2,705,356	2,293,665	0	0	9,377,850	4,385,441	2,708,149	2,296,494	0	0	9,390,084
a. New Construction Laboratory Expenses (Biennial/OTO)											
0	863,048	0	0	0	863,048	0	0	0	0	0	0
b. State Milk Laboratory Instruments (Biennial/OTO)											
200,400	0	0	0	0	200,400	0	0	0	0	0	0

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
3. Brands Enforcement Division (06)											
0	5,044,198	0	0	0	5,044,198	0	5,056,729	0	0	0	5,056,729
Total											
4,882,669	11,089,208	2,293,665	0	0	18,265,542	4,688,596	10,247,877	2,296,494	0	0	17,232,967
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (57060)											
1. Centralized Services Division (21)											
6,435,832	5,727,617	0	0	0	12,163,449	6,461,866	5,737,257	0	0	0	12,199,123
a. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
43,038	15,674	0	0	0	58,712	0	0	0	0	0	0
2. Oil and Gas Conservation Division (22)											
0	2,340,397	107,879	0	0	2,448,276	0	2,344,310	107,879	0	0	2,452,189
3. Conservation and Resource Development Division (23)											
2,167,746	11,501,367	293,340	0	0	13,962,453	2,178,845	11,509,045	293,340	0	0	13,981,230
a. CARDD Infrastructure Staffing (Biennial/OTO)											
90,000	90,000	0	0	0	180,000	90,000	90,000	0	0	0	180,000
b. Regional Water Authority Admin (OTO)											
0	140,000	0	0	0	140,000	0	140,000	0	0	0	140,000
c. Resource Development Technical Support (OTO)											
0	180,000	0	0	0	180,000	0	180,000	0	0	0	180,000
4. Water Resources Division (24)											
16,606,455	12,652,818	292,279	0	0	29,551,552	16,690,467	12,661,305	292,279	0	0	29,644,051
a. SWP Safety and Reliability of State Projects (OTO)											
130,000	0	0	0	0	130,000	130,000	0	0	0	0	130,000
b. State Water Project PB related to FERC Audit (OTO)											
365,901	0	0	0	0	365,901	365,900	0	0	0	0	365,900
5. Forestry and Trust Lands (35)											
17,453,975	23,698,198	1,429,435	0	0	42,581,608	17,510,517	23,759,404	1,429,435	0	0	42,699,356

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Capital Assets/Equipment (OTO)											
0	150,000	0	0	0	150,000	0	150,000	0	0	0	150,000
b. Modular Steel Bridge (OTO)											
0	92,150	0	0	0	92,150	0	0	0	0	0	0
Total											
43,292,947	56,588,221	2,122,933	0	0	102,004,101	43,427,595	56,571,321	2,122,933	0	0	102,121,849

During the 2027 biennium, the Department of Natural Resources and Conservation is authorized to decrease federal special revenue in the water pollution control and/or drinking water revolving fund loan programs and increase state special revenue by a like amount within administration accounts when the amount of federal Environmental Protection Agency CAP grant funds allocated for administration of the grant have been expended or federal funds and bond proceeds will be used for other program purposes as authorized in law providing for the distribution of funds.

During the 2027 biennium, up to $600,000 from the loan loss reserve account of the private loan program established in section 85-1-603, MCA, is appropriated to the Department of Natural Resources and Conservation for the purchase of prior liens on property held as loan security as provided in section 85-1-615, MCA.

If LC 2159 is not passed and approved, state special revenue in the Water Resources Division is reduced by $1,000,000 in FY 2026 and $1,000,000 in FY 2027.

If HB 441 is passed and approved, the Department of Natural Resources and Conservation is increased by $820,187 general fund in FY 2026 and $830,902 general fund in FY 2027 and decreased by $807,902 state special revenue in FY 2026 and $807,902 in FY 2027.

If HB 681 is passed and approved, the Department of Natural Resources and Conservation is increased by $629,913 general fund in FY 2026 and $463,588 general fund in FY 2027, and the Department of Natural Resources and Conservation may increase positions budgeted authorized in HB 2 by 5.00 PB in FY 2026 and 5.00 PB in FY 2027.

If SB 178 is passed and approved, the Department of Natural Resources and Conservation is increased by $107,175 general fund in FY 2026 and $81,075 general fund in FY 2027 and $16,015 state special revenue in FY 2026 and $12,115 state special revenue in FY 2027. The Department of Natural Resources and Conservation may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2026 and 1.00 PB in FY 2027.

DEPARTMENT OF AGRICULTURE (62010)

1. Central Management Division (15)											
425,244	1,716,277	260,578	157,961	0	2,560,060	431,780	1,716,277	260,578	157,961	0	2,566,596
2. Agricultural Sciences Division (30)											
397,858	9,735,621	1,264,217	0	0	11,397,696	398,079	9,750,788	1,265,411	0	0	11,414,278

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Analytical Lab Equipment (OTO)											
0	0	0	0	0	0	0	519,400	41,600	0	0	561,000
b. Organic Program System (OTO)											
0	45,000	0	0	0	45,000	0	0	0	0	0	0
c. Produce Digital Inspections (OTO)											
0	87,500	0	0	0	87,500	0	0	0	0	0	0
d. Stationary Granulator Locations (OTO)											
0	125,000	0	0	0	125,000	0	125,000	0	0	0	125,000
3. Agricultural Development Division (50)											
264,997	7,273,099	295,743	478,586	0	8,312,425	265,065	7,274,964	295,743	481,997	0	8,317,769
a. Agriculture Development CRM System (OTO)											
49,000	0	0	0	0	49,000	0	0	0	0	0	0
Total											
1,137,099	18,982,497	1,820,538	636,547	0	22,576,681	1,094,924	19,386,429	1,863,332	639,958	0	22,984,643
TOTAL SECTION C											
57,698,729	616,341,977	781,485,924	636,547	0	1,456,163,177	57,603,752	615,827,350	789,284,569	639,958	0	1,463,355,629

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
D. JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE											
JUDICIAL BRANCH (21100)											
1. Supreme Court Operations (01)											
24,327,788	781,200	378,800	0	0	25,487,788	24,901,813	781,200	378,800	0	0	26,061,813
a. Legislative Audit (Restricted/Biennial)											
59,400	0	0	0	0	59,400	0	0	0	0	0	0
2. Law Library (03)											
989,880	0	0	0	0	989,880	989,919	0	0	0	0	989,919
3. District Court Operations (04)											
36,906,832	754,716	0	0	0	37,661,548	37,343,334	754,716	0	0	0	38,098,050
4. Water Court (05)											
1,159,465	1,683,546	0	0	0	2,843,011	1,161,359	1,747,319	0	0	0	2,908,678
a. Water Court Digitization (Biennial/OTO)											
0	400,000	0	0	0	400,000	0	0	0	0	0	0
5. Clerk of Court (06)											
611,550	0	0	0	0	611,550	613,969	0	0	0	0	613,969
Total											
64,054,915	3,619,462	378,800	0	0	68,053,177	65,010,394	3,283,235	378,800	0	0	68,672,429

On the hiring of two additional judges in Yellowstone County, it is the intent of the Legislature that district court judges in the 13th judicial district develop specialized court dockets.

If HB 516 is passed and approved, the Judicial Branch is increased by $726,421 state special revenue in FY 2026 and $727,178 state special revenue in FY 2027, and the Judicial Branch may increase positions budgeted authorized in HB 2 by 5.00 PB in FY 2026 and 5.00 PB in FY 2027.

If SB 40 is passed and approved, the Judicial Branch is increased by $25,728 general fund in FY 2026 and $25,728 general fund in FY 2027.

If SB 318 is passed and approved, the Judicial Branch is increased by $30,619 general fund in FY 2026 and $30,619 general fund in FY 2027.

If SB 370 is passed and approved, the Judicial Branch is increased by $436,384 general fund in FY 2026 and $436,384 general fund in FY 2027.

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
DEPARTMENT OF JUSTICE (41100)											
1. Legal Services Division (01)											
8,044,497	1,165,506	229,485	0	0	9,439,488	8,043,390	1,165,506	229,485	0	0	9,438,381
a. Litigation Funding (Restricted/Biennial)											
1,000,000	0	0	0	0	1,000,000	1,000,000	0	0	0	0	1,000,000
b. NRDP New Claims Authority (Restricted/Biennial/OTO)											
500,000	0	0	0	0	500,000	500,000	0	0	0	0	500,000
2. Montana Highway Patrol (03)											
2,032,394	52,235,378	0	0	0	54,267,772	2,032,394	52,323,524	0	0	0	54,355,918
a. Statewide Radio Loan Payoff (OTO)											
0	6,000,000	0	0	0	6,000,000	0	0	0	0	0	0
3. Division of Criminal Investigation (05)											
11,864,592	5,189,755	1,120,910	0	0	18,175,257	11,917,997	5,194,811	1,120,910	0	0	18,233,718
a. Funding Missing Indigenous Persons Task Force (OTO)											
0	20,000	0	0	0	20,000	0	20,000	0	0	0	20,000
4. Gambling Control Division (07)											
0	2,945,412	0	1,513,970	0	4,459,382	0	2,952,850	0	1,513,970	0	4,466,820
5. Forensic Science Division (08)											
6,676,233	1,889,775	0	0	0	8,566,008	6,696,056	1,889,775	0	0	0	8,585,831
a. Provide Authority to Hire a Medical Examiner (Restricted/Biennial)											
120,000	0	0	0	0	120,000	120,000	0	0	0	0	120,000
6. Motor Vehicle Division (09)											
5,882,243	19,331,191	0	554,208	0	25,767,642	5,895,425	19,335,729	0	554,208	0	25,785,362
7. Central Services Division (10)											
9,424,776	7,019,824	3,664	64,719	0	16,512,983	9,399,194	7,019,824	3,664	64,719	0	16,487,401
a. Legislative Audit (Restricted/Biennial)											
98,406	0	0	0	0	98,406	0	0	0	0	0	0
8. Post Council (19)											
0	622,897	0	0	0	622,897	0	622,897	0	0	0	622,897

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
9. Montana Law Enforcement Academy (20)											
150,000	2,353,245	0	0	0	2,503,245	150,000	2,354,421	0	0	0	2,504,421
10. Board of Crime Control (21)											
2,110,239	2,653,960	14,208,541	0	0	18,972,740	2,407,253	2,653,960	14,208,541	0	0	19,269,754
Total											
47,903,380	101,426,943	15,562,600	2,132,897	0	167,025,820	48,161,709	95,533,297	15,562,600	2,132,897	0	161,390,503

If HB 85 is not passed and approved, the Montana Highway Patrol is increased by $2,000,000 general fund in FY 2026 and $2,000,000 general fund in FY 2027.

If SB 324 is not passed and approved, the Montana Highway Patrol is decreased by $3,298,615 state special revenue in FY 2026 and FY 2027 and is increased by $2,698,615 general fund in FY 2026 and FY 2027. Additionally, if SB 324 is not passed and approved, the Montana Board of Crime Control is decreased by $2,000,000 state special revenue in FY 2026 and FY 2027 and is increased by $2,000,000 general fund in FY 2026 and FY 2027.

If SB 45 is passed and approved, the Department of Justice is increased by $161,631 general fund in FY 2026 and $156,631 general fund in FY 2027, and the Department of Justice may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2026 and 1.00 PB in FY 2027.

If HB 341 is passed and approved, the Department of Justice is increased by $20,000 state special revenue in FY 2026.

If HB 512 is passed and approved, the Department of Justice is increased by $1,667 general fund in FY 2026.

If HB 849 is passed and approved, the Department of Justice is increased by $11,191 general fund and $1,778 state special revenue in FY 2026 and $3,556 state special revenue in FY 2027.

If SB 329 is passed and approved, the Department of Justice is increased by $16,400 general fund and $24,600 state special revenue in FY 2026.

If SB 412 is passed and approved, the Department of Justice is increased by $5,333 general fund and $8,000 state special revenue in FY 2026.

PUBLIC SERVICE COMMISSION (42010)

1. Public Service Regulation Program (01)											
0	5,840,443	273,760	0	0	6,114,203	0	5,833,221	273,760	0	0	6,106,981
a. IRP Contract (OTO)											
0	200,000	0	0	0	200,000	0	0	0	0	0	0
b. Legislative Audit (Restricted/Biennial)											
0	44,550	0	0	0	44,550	0	0	0	0	0	0

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total											
0	6,084,993	273,760	0	0	6,358,753	0	5,833,221	273,760	0	0	6,106,981

If HB 490 is passed and approved, the Public Service Commission is increased by $100,000 state special revenue in FY 2026 and $100,000 state special revenue in FY 2027.

OFFICE OF STATE PUBLIC DEFENDER (61080)

1. Public Defender Division (01)											
26,998,354	0	0	0	0	26,998,354	27,152,519	0	0	0	0	27,152,519
2. Appellate Defender Division (02)											
2,356,785	0	0	0	0	2,356,785	2,376,179	0	0	0	0	2,376,179
3. Conflict Defender Division (03)											
3,855,478	0	0	0	0	3,855,478	3,869,997	0	0	0	0	3,869,997
4. Central Services Division (04)											
18,367,574	0	0	0	0	18,367,574	18,685,197	0	0	0	0	18,685,197
a. Sustain Effective Public Defender Support - Agency Training Events (OTO)											
150,000	0	0	0	0	150,000	150,000	0	0	0	0	150,000
b. Sustain Effective Public Defender Support - Client Communication/Access Tech (OTO)											
75,000	0	0	0	0	75,000	75,000	0	0	0	0	75,000
c. Close Public Defender Shortfall (Restricted)											
508,319	0	0	0	0	508,319	1,024,214	0	0	0	0	1,024,214
d. Sustain Existing Public Defender Services - Contracted Public Defender Rates (Restricted)											
3,177,586	0	0	0	0	3,177,586	3,177,586	0	0	0	0	3,177,586
e. Sustain Effective Public Defender Support - AI/Data/Tech (Restricted/OTO)											
200,000	0	0	0	0	200,000	200,000	0	0	0	0	200,000
f. Sustain Effective Public Defender Support - AI/Tech License (Restricted/OTO)											
500,000	0	0	0	0	500,000	500,000	0	0	0	0	500,000
g. Sustain Effective Public Defender Support - Computer Purchase (Restricted/OTO)											
171,600	0	0	0	0	171,600	31,200	0	0	0	0	31,200

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
h. Sustain Existing Public Defender Services - Contract Services Overage (Restricted/OTO)											
3,275,000	0	0	0	0	3,275,000	3,275,000	0	0	0	0	3,275,000
Total											
59,635,696	0	0	0	0	59,635,696	60,516,892	0	0	0	0	60,516,892

All appropriations in the Office of State Public Defender are biennial.

It is the intent of the Legislature that all management personnel who are members of the Montana Bar, except for the director, division administrators, and regional public defenders, perform at least 25% of the average caseload of line attorneys.

If SB 19 is passed and approved and HB 863 does not add additional authority to the Office of State Public Defender, the Office of State Public Defender is increased by $264,810 general fund in FY 2026 and $264,810 general fund in FY 2027.

DEPARTMENT OF CORRECTIONS (64010)

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Director's Office and Central Services Division (01)											
22,472,449	471,253	0	133,046	0	23,076,748	22,481,288	472,100	0	131,060	0	23,084,448
2. Public Safety Division (02)											
155,525,424	1,868,963	0	0	0	157,394,387	156,048,032	1,868,963	0	0	0	157,916,995
a. Assistance for Youth Population (Restricted)											
77,500	0	0	0	0	77,500	77,500	0	0	0	0	77,500
b. Increase County Jail Hold (Restricted)											
3,082,644	0	0	0	0	3,082,644	3,144,297	0	0	0	0	3,144,297
~~c. Increase for Prevailing Wages at Crossroads (Restricted)~~											
~~528,485~~	~~0~~	~~0~~	~~0~~	~~0~~	~~528,485~~	~~1,056,970~~	~~0~~	~~0~~	~~0~~	~~0~~	~~1,056,970~~
d. K-9 Program (Restricted)											
478,801	0	0	0	0	478,801	447,800	0	0	0	0	447,800
e. Leased Vehicle Funding - Existing (Restricted)											
82,325	0	0	0	0	82,325	82,325	0	0	0	0	82,325
f. Leased Vehicle Funding - New (Restricted)											
101,838	0	0	0	0	101,838	101,838	0	0	0	0	101,838

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
g. Public Safety Security Equipment and Licenses (Restricted)											
1,650,000	0	0	0	0	1,650,000	800,000	0	0	0	0	800,000
h. Secure Facility Equipment (Restricted)											
461,000	0	0	0	0	461,000	461,000	0	0	0	0	461,000
i. Secure Facility Rate Increases (Restricted)											
920,647	0	0	0	0	920,647	1,860,373	0	0	0	0	1,860,373
j. Vehicle Replacement (Restricted)											
334,000	0	0	0	0	334,000	334,000	0	0	0	0	334,000
3. Rehabilitation and Programs Division (03)											
118,915,832	4,760,709	0	0	0	123,676,541	119,850,027	4,760,863	0	0	0	124,610,890
~~a. 2.0% Rate Adjustment for Prerelease Centers (OTO)~~											
~~608,043~~	~~0~~	~~0~~	~~0~~	~~0~~	~~608,043~~	~~1,238,557~~	~~0~~	~~0~~	~~0~~	~~0~~	~~1,238,557~~
b. Parenting Program (Restricted)											
120,000	0	0	0	0	120,000	120,000	0	0	0	0	120,000
c. Respond to Increased Medical/Pharmacy Needs (Restricted)											
432,282	0	0	0	0	432,282	417,282	0	0	0	0	417,282
4. Board of Pardons and Parole (04)											
1,358,296	0	0	0	0	1,358,296	1,361,610	0	0	0	0	1,361,610
Total											
307,149,566	7,100,925	0	133,046	0	314,383,537	309,882,899	7,101,926	0	131,060	0	317,115,885

All appropriations for the Director's Office/Central Services Division, Public Safety Division, and Rehabilitation and Programs Division are biennial.

If HB 186 is passed and approved, the Board of Pardons and Parole within the Department of Corrections is increased by $127,052 general fund in FY 2026 and $123,234 general fund in FY 2027, and the Board of Pardons and Parole within the Department of Corrections may increase positions budgeted authorized in HB 2 by 1.00 PB in FY 2026 and 1.00 PB in FY 2027.

TOTAL SECTION D											
478,743,557	118,232,323	16,215,160	2,265,943	0	615,456,983	483,571,894	111,751,679	16,215,160	2,263,957	0	613,802,690

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
E. EDUCATION											
OFFICE OF PUBLIC INSTRUCTION (35010)											
1. State Level Activities (06)											
15,230,202	343,334	18,323,889	0	0	33,897,425	18,097,064	343,559	18,334,934	0	0	36,775,557
a. Montana Digital Academy (Restricted)											
3,035,431	0	0	0	0	3,035,431	3,105,545	0	0	0	0	3,105,545
b. Legislative Audit Division Federal Single Audit (Restricted/Biennial)											
160,560	0	0	0	0	160,560	0	0	0	0	0	0
c. MT Indian Language Preservation (Restricted/Biennial)											
750,000	0	0	0	0	750,000	750,000	0	0	0	0	750,000
~~d. STEM and Robotics (Restricted/Biennial)~~											
~~50,000~~	~~0~~	~~0~~	~~0~~	~~0~~	~~50,000~~	~~50,000~~	~~0~~	~~0~~	~~0~~	~~0~~	~~50,000~~
e. Teacher Licensure System (Restricted/Biennial)											
0	435,374	0	0	0	435,374	0	435,789	0	0	0	435,789
f. Database Modernization (Restricted/Biennial/OTO)											
0	1,000,000	0	0	0	1,000,000	0	1,000,000	0	0	0	1,000,000
g. MTDA Frontier Learning Lab (Restricted/Biennial/OTO)											
0	997,850	0	0	0	997,850	0	968,500	0	0	0	968,500
~~h. Revised Mathematics Content Standards (Restricted/Biennial/OTO)~~											
~~2,500,000~~	~~0~~	~~0~~	~~0~~	~~0~~	~~2,500,000~~	~~2,500,000~~	~~0~~	~~0~~	~~0~~	~~0~~	~~2,500,000~~
i. High School Assessment (Restricted/OTO)											
640,000	0	0	0	0	640,000	700,000	0	0	0	0	700,000
2. Local Education Activities (09)											
0	1,500,000	164,414,575	0	0	165,914,575	0	1,500,000	164,414,575	0	0	165,914,575
a. Debt Service Assistance (Restricted)											
0	16,000,000	0	0	0	16,000,000	1,093,501	16,000,000	0	0	0	17,093,501
b. Major Maintenance Aid (Restricted)											
7,720,443	15,175,000	0	0	0	22,895,443	12,190,381	15,287,000	0	0	0	27,477,381

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
c. Advanced Opportunities (Restricted/Biennial)											
4,000,000	0	0	0	0	4,000,000	4,000,000	0	0	0	0	4,000,000
d. Advancing Agricultural Education (Restricted/Biennial)											
151,960	0	0	0	0	151,960	151,960	0	0	0	0	151,960
e. At-Risk Student Payment (Restricted/Biennial)											
6,399,740	0	0	0	0	6,399,740	6,591,732	0	0	0	0	6,591,732
f. CTE Career and Technical Student Organizations (Restricted/Biennial)											
903,000	0	0	0	0	903,000	903,000	0	0	0	0	903,000
g. CTE State Match (Restricted/Biennial)											
1,500,000	0	0	0	0	1,500,000	1,500,000	0	0	0	0	1,500,000
h. Coal Mitigation (Restricted/Biennial)											
1,693,274	0	0	0	0	1,693,274	1,693,274	0	0	0	0	1,693,274
i. Early Literacy (Restricted/Biennial)											
1,500,000	0	0	0	0	1,500,000	1,500,000	0	0	0	0	1,500,000
j. Gifted and Talented (Restricted/Biennial)											
350,000	0	0	0	0	350,000	350,000	0	0	0	0	350,000
k. In-State Treatment (Restricted/Biennial)											
2,610,000	0	0	0	0	2,610,000	2,610,000	0	0	0	0	2,610,000
l. Indian Language Immersion (Restricted/Biennial)											
264,970	0	0	0	0	264,970	269,970	0	0	0	0	269,970
m. K-12 BASE Aid (Restricted/Biennial)											
528,458,517	500,927,832	0	0	0	1,029,386,349	590,366,074	504,581,502	0	0	0	1,094,947,576
n. National Board Certification (Restricted/Biennial)											
178,588	0	0	0	0	178,588	178,588	0	0	0	0	178,588
o. Recruitment and Retention (Restricted/Biennial)											
666,000	0	0	0	0	666,000	666,000	0	0	0	0	666,000
p. School Food (Restricted/Biennial)											
695,954	0	0	0	0	695,954	695,954	0	0	0	0	695,954

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
~~q. School Lunch Funding (Restricted/Biennial)~~											
~~300,000~~	~~0~~	~~0~~	~~0~~	~~0~~	~~300,000~~	~~300,000~~	~~0~~	~~0~~	~~0~~	~~0~~	~~300,000~~
r. School Safety (Restricted/Biennial)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
s. State Tuition Payments (Restricted/Biennial)											
249,911	0	0	0	0	249,911	249,911	0	0	0	0	249,911
t. Transformational Learning (Restricted/Biennial)											
2,489,235	0	0	0	0	2,489,235	2,563,590	0	0	0	0	2,563,590
u. Transportation Aid (Restricted/Biennial)											
11,998,552	0	0	0	0	11,998,552	11,998,552	0	0	0	0	11,998,552
Total											
594,596,337	536,379,390	182,738,464	0	0	1,313,714,191	665,175,096	540,116,350	182,749,509	0	0	1,388,040,955

~~All revenue up to $1.5 million in the state traffic education account for distribution to schools under the provisions of sections 20-7-506 and 61-5-121, MCA, is appropriated for the 2027 biennium as provided in Title 20, chapter 7, part 5, MCA.~~

All appropriations for federal special revenue appropriations in State Level Activities and in Local Education Activities are biennial. All general fund appropriations in Local Education Activities are biennial except for Debt Service Assistance and Major Maintenance Aid.

If HB 28 is passed and approved, K-12 BASE Aid is increased by $500,000 general fund in FY 2027.

If HB 140 is passed and approved, K-12 BASE Aid is increased by $100,000 general fund in FY 2027 and decreased by $100,000 state special revenue in FY 2027.

If HB 151 is passed and approved, K-12 BASE Aid is increased by $15,584 general fund in FY 2027.

If HB 168 is passed and approved, K-12 BASE Aid is increased by $3,728,257 general fund in FY 2027.

If HB 231 is not passed and approved, K-12 BASE Aid is decreased by $20,696,590 general fund in FY 2026 and $20,696,590 general fund in FY 2027 and increased by $20,696,590 state special revenue in FY 2026 and $20,696,590 state special revenue in FY 2027.

If HB 252 is not passed and approved, K-12 BASE Aid is decreased by $50,463,190 general fund in FY 2026 and $52,052,480 general fund in FY 2027.

If HB 252 is passed and approved, K-12 BASE Aid is increased by $1,562,379 general fund in FY 2026 and $3,446,012 general fund in FY 2027.

If HB 339 is passed and approved, K-12 BASE Aid is increased by $17,359,281 general fund in FY 2027.

If HB 462 is passed and approved and contains an appropriation for Revised Mathematics Content Standards, the Revised Mathematics Content Standards appropriation is void.

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If HB 483 is passed and approved, Debt Service Assistance is decreased by $1,093,501 general fund in FY 2027 and K-12 BASE Aid is decreased by $30,651,425 general fund in FY 2027.

If HB 515 is not passed and approved and HB 483 is not passed and approved, Major Maintenance Aid is decreased by $1,234,007 general fund and $9,175,000 state special revenue in FY 2026 and $1,611,501 general fund and $9,287,000 state special revenue in FY 2027.

If HB 515 is not passed and approved and HB 483 is passed and approved, Major Maintenance Aid is decreased by $1,234,007 general fund and $9,175,000 state special revenue in FY 2026 and $5,866,576 general fund and $9,287,000 state special revenue in FY 2027.

If HB 515 is passed and approved, Major Maintenance Aid is increased by $1,689,060 state special revenue in FY 2026 and decreased by $3,065,407 general fund in FY 2027.

If HB 551 is passed and approved and contains an appropriation for School Lunch Funding, the School Lunch Funding appropriation is void.

If HB 551 is passed and approved, there is appropriated in HB 2 a restricted and biennial appropriation of $167,882 general fund in FY 2026 and $167,225 general fund in FY 2027 for the purposes of HB 551.

If HB 567 is passed and approved, K-12 BASE Aid is increased by $2,000,000 general fund in FY 2027.

If HB 628 is passed and approved, K-12 BASE Aid is increased by $2,388,032 general fund in FY 2027.

If SB 278 is passed and approved, K-12 BASE Aid is increased by $175,320 general fund in FY 2027.

If SB 322 is not passed and approved, K-12 BASE Aid is decreased by $1,050,000 general fund in FY 2026 and $1,512,000 general fund in FY 2027 and increased by $1,050,000 state special revenue in FY 2026 and $1,512,000 state special revenue in FY 2027.

If SB 337 is passed and approved, K-12 BASE Aid is decreased by $14,900 general fund in FY 2026 and $353,900 state special revenue in FY 2027 and increased by $14,900 state special revenue in FY 2026 and $353,900 general fund in FY 2027.

If SB 424 is passed and approved, K-12 BASE Aid is increased by $1,420,000 general fund in FY 2027 and decreased by $1,420,000 state special revenue in FY 2027.

If SB 534 is passed and approved, K-12 BASE Aid is increased by $102,000 general fund in FY 2027 and decreased by $102,000 state special revenue in FY 2027.

MTDA Frontier Learning Lab is contingent on the passage and approval of HB 864.

If HB 864 is not passed and approved, Database Modernization is decreased by $1,000,000 state special revenue in FY 2026 and $1,000,000 state special revenue in FY 2027 and increased by $1,000,000 general fund in FY 2026 and $1,000,000 general fund in FY 2027.

In accordance with the Montana Procurement Act and all applicable policies and procedures, the Department of Administration shall determine the most appropriate procurement method for the expenditure of the Database Modernization appropriation and direct any necessary procurement actions.

The appropriation for In-State Treatment must be used only for the provision of educational programs to eligible children residing in qualifying facilities as defined in section 20-7-436, MCA.

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
BOARD OF PUBLIC EDUCATION (51010)											
1. K-12 Education (01)											
568,181	0	0	0	0	568,181	568,126	0	0	0	0	568,126
Total											
568,181	0	0	0	0	568,181	568,126	0	0	0	0	568,126
COMMISSIONER OF HIGHER EDUCATION (51020)											
1. Administration Program (01)											
4,236,906	0	0	723,465	0	4,960,371	4,261,294	0	0	723,465	0	4,984,759
a. UM NAGPRA-Repatriation Support Team (OTO)											
367,665	0	0	0	0	367,665	367,665	0	0	0	0	367,665
b. MSU Northern Meat Processing Program (Restricted/Biennial/OTO)											
200,000	0	0	0	0	200,000	0	0	0	0	0	0
2. Student Assistance Program (02)											
14,467,317	707,030	0	0	0	15,174,347	15,473,745	707,681	0	0	0	16,181,426
a. Montana Promise Grant (Biennial/OTO)											
100,000	0	0	0	0	100,000	0	0	0	0	0	0
b. 1-2 Free (Restricted)											
1,475,000	0	0	0	0	1,475,000	1,475,000	0	0	0	0	1,475,000
c. 1-2 Free CC's (Restricted)											
600,000	0	0	0	0	600,000	600,000	0	0	0	0	600,000
d. 1-2 Free TCU's (Restricted)											
100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
e. Montana 10 (Restricted/OTO)											
3,500,000	0	0	0	0	3,500,000	3,500,000	0	0	0	0	3,500,000
3. Community College Assistance (04)											
17,980,804	0	0	0	0	17,980,804	18,767,899	0	0	0	0	18,767,899

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
4. Education Outreach and Diversity (06)											
176,307	0	9,646,568	0	0	9,822,875	176,315	0	9,649,859	0	0	9,826,174
5. Work Force Development Program (08)											
111,926	0	6,869,908	0	0	6,981,834	115,284	0	7,082,027	0	0	7,197,311
6. Appropriation Distribution (09)											
234,578,325	36,344,425	0	0	0	270,922,750	233,481,468	36,802,425	0	0	0	270,283,893
a. Legislative Audit (Restricted/Biennial)											
282,249	0	0	0	0	282,249	0	0	0	0	0	0
b. Single Audit Cost (Restricted/Biennial)											
810,072	0	0	0	0	810,072	0	0	0	0	0	0
7. Agency Funds (10)											
38,480,666	1,119,968	0	0	0	39,600,634	38,828,916	1,119,968	0	0	0	39,948,884
~~a. MAES Value-Added Initiative (OTO)~~											
~~320,000~~	~~0~~	~~0~~	~~0~~	~~0~~	~~320,000~~	~~320,000~~	~~0~~	~~0~~	~~0~~	~~0~~	~~320,000~~
8. Tribal College Assistance Program (11)											
918,400	0	0	0	0	918,400	918,400	0	0	0	0	918,400
a. Non-Beneficiary Increase (Restricted)											
275,240	0	0	0	0	275,240	275,240	0	0	0	0	275,240
9. Guaranteed Student Loan Program (12)											
0	0	2,324,902	0	0	2,324,902	0	0	2,324,940	0	0	2,324,940
10. Board of Regents-Administration (13)											
74,576	0	0	0	0	74,576	74,576	0	0	0	0	74,576
Total											
319,055,453	38,171,423	18,841,378	723,465	0	376,791,719	318,735,802	38,630,074	19,056,826	723,465	0	377,146,167

Items designated as OCHE Administration Program, Student Assistance Program, Educational Outreach and Diversity, Workforce Development Program, Appropriation Distribution, Guaranteed Student Loan, and Board of Regents Administration are designated as biennial appropriations.

General fund money, state and federal special revenue, and proprietary fund revenue appropriated to the Board of Regents are included in all Montana University System programs. All other public funds received by units of the Montana University System (other than plant funds appropriated in HB 5 relating to

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

long-range building) are appropriated to the Board of Regents and may be expended under the provisions of section 17-7-138(2), MCA. The Board of Regents shall allocate the appropriations to individual university system units, as defined in section 17-7-102(15), MCA, according to board policy.

The Montana University System, except for the Office of the Commissioner of Higher Education and the community colleges, shall provide the Office of Budget and Program Planning and the Legislative Fiscal Division Banner access to the entire university system's information system, except for information pertaining to individual students and individual employees that is protected by Article II, sections 9 and 10, of the Montana Constitution, section 20-25-515, MCA, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.

The Montana University System shall provide the electronic data required for entering human resource data for the current unrestricted operating funds into the internet budgeting and reporting system. The salary and benefit data provided must reflect approved Board of Regents operating budgets.

The commissioner may adjust the funding distribution between community colleges based on actual weighted FTE enrollment.

The community college FTE decrease funding factor is $6,000 for FY 2026 and $6,000 for FY 2027. The community college FTE increase funding factor is $8,000 for FY 2026 and $8,000 for FY 2027. The community college weighting factors for the 2027 biennium are 1.50 for CTE FTE, 1.00 for general education FTE, 0.50 for early college FTE, and 0.25 for concurrent enrollment FTE.

The general fund appropriation for Community College Assistance is calculated to fund education in the community colleges for an estimated 1,911 resident FTE in FY 2026 and 1,996 in FY 2027. If actual weighted resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges must receive a reimbursement for the underpayment from the community college FTE adjustment account. If actual weighted resident FTE student enrollment is less than the estimated numbers for the biennium, the community colleges shall pay a fee equal to the overpayment amount to be deposited in the FTE adjustment account in accordance with section 20-15-328, MCA.

Total audit costs are estimated to be $358,500 for the community colleges for the biennium. Audit costs charged to the community colleges for the biennium may not exceed $60,500 for Flathead Valley Community College, $188,000 for Miles Community College, and $110,000 for Dawson Community College. Total audit costs for UM - Missoula is $549,653 and MSU - Bozeman is $542,668.

If HB 864 is not passed and approved, the appropriation for Non-Beneficiary Increase is void.

SCHOOL FOR THE DEAF AND BLIND (51130)

1. Administration Program (01)											
856,918	3,394	0	0	0	860,312	855,955	3,394	0	0	0	859,349
2. General Services (02)											
713,927	0	0	0	0	713,927	714,765	0	0	0	0	714,765
3. Student Services (03)											
2,185,688	0	34,729	0	0	2,220,417	2,190,419	0	34,729	0	0	2,225,148

Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
4. Education (04)											
6,076,014	302,341	172,080	0	0	6,550,435	6,105,880	302,341	172,080	0	0	6,580,301
a. Education Interpreters Professional Development (OTO)											
61,000	0	0	0	0	61,000	61,000	0	0	0	0	61,000
Total											
9,893,547	305,735	206,809	0	0	10,406,091	9,928,019	305,735	206,809	0	0	10,440,563

If HB 15 is passed and approved, the School for the Deaf and Blind is increased by $2,794 general fund in FY 2026 and $5,664 general fund in FY 2027.

If HB 151 is passed and approved, the School for the Deaf and Blind is increased by $63,132 general fund in FY 2026 and $81,168 general fund in FY 2027.

If HB 252 is passed and approved, the School for the Deaf and Blind is increased by $185,367 general fund in FY 2026 and $190,904 general fund in FY 2027.

MONTANA ARTS COUNCIL (51140)

1. Promotion of the Arts (01)											
673,329	222,835	801,910	0	0	1,698,074	673,969	223,292	802,521	0	0	1,699,782
Total											
673,329	222,835	801,910	0	0	1,698,074	673,969	223,292	802,521	0	0	1,699,782

All HB 2 federal funding appropriations for the Montana Arts Council are biennial appropriations.

MONTANA STATE LIBRARY (51150)

1. Central Services (01)											
2,688,019	0	0	0	0	2,688,019	2,692,723	0	0	0	0	2,692,723
2. Patron and Local Library Development Services (02)											
214,786	510,303	1,554,978	0	0	2,280,067	220,455	510,303	1,554,978	0	0	2,285,736
3. GIS, Data, and Information Services (03)											
699,264	2,657,772	0	0	0	3,357,036	699,714	2,668,274	0	0	0	3,367,988
Total											
3,602,069	3,168,075	1,554,978	0	0	8,325,122	3,612,892	3,178,577	1,554,978	0	0	8,346,447

	Fiscal 2026						Fiscal 2027				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
MONTANA HISTORICAL SOCIETY (51170)											
1. Administration Program (01)											
262,222	2,556,939	141,812	373,343	0	3,334,316	283,700	2,556,842	141,812	373,473	0	3,355,827
a. Montana 250th Commission (Restricted/Biennial/OTO)											
1,000,000	0	0	0	0	1,000,000	0	0	0	0	0	0
b. Temporary Relocation Rent (Restricted/OTO)											
0	50,000	0	0	0	50,000	0	0	0	0	0	0
2. Library and Archives Program (02)											
702,489	1,526,346	0	35,220	0	2,264,055	706,608	1,526,953	0	35,220	0	2,268,781
a. Contingency O&M Funds (OTO)											
0	125,000	0	0	0	125,000	0	175,000	0	0	0	175,000
3. Museum Program (03)											
364,575	1,479,361	0	3,079	0	1,847,015	366,869	1,479,674	0	3,079	0	1,849,622
a. Contingency O&M Funds (OTO)											
0	125,000	0	0	0	125,000	0	175,000	0	0	0	175,000
4. Publications Program (04)											
305,266	0	0	379,739	0	685,005	305,446	0	0	379,942	0	685,388
5. Outreach and Education Program (05)											
338,836	387,132	0	26,980	0	752,948	339,345	387,361	0	26,980	0	753,686
6. State Historic Preservation Office Program (06)											
0	0	871,323	224,565	0	1,095,888	0	0	873,422	224,565	0	1,097,987
Total											
2,973,388	6,249,778	1,013,135	1,042,926	0	11,279,227	2,001,968	6,300,830	1,015,234	1,043,259	0	10,361,291

If HB 10 is not passed and approved with an appropriation for the Museum Systems Operation and Management project, then the Montana Historical Society appropriation is decreased by $96,296 state special revenue in FY 2026 and $93,497 state special revenue in FY 2027 and the Montana Historical Society's Administration Program PB is decreased by 1.00 in FY 2026 and by 1.00 in FY 2027.

The Contingency O&M Funds appropriation may only be utilized for unforeseen and unbudgeted operations and maintenance costs outside of the scope of the agency's regular operating appropriation and must be approved by the state budget director.

	Fiscal 2026						Fiscal 2027					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
At least $500,000 of the Montana 250th Commission appropriation must be used for educational purposes.											
If HB 641 is passed and approved, the Montana Historical Society is decreased by $2,167 state special revenue in FY 2026 and $2,083 state special revenue in FY 2027.											
TOTAL SECTION E											
931,362,304	584,497,236	205,156,674	1,766,391	0	1,722,782,605	1,000,695,872	588,754,858	205,385,877	1,766,724	0	1,796,603,331
TOTAL STATE FUNDING											
2,470,408,877	1,835,363,861	3,593,270,174	236,177,268	0	8,135,220,180	2,588,395,305	1,842,396,606	3,736,937,246	235,998,793	0	8,403,727,950

Section 12. Rates. It is the intent of the Legislature that any rate approved in this section as a "total allocation" may be increased by the cost calculated by the Office of Budget and Program Planning for passage and approval of HB 13 or another bill affecting employee pay or benefits. Internal service fund type fees and charges established by the Legislature for the 2027 biennium in compliance with section 177123(1)(f)(ii), MCA, are as follows:

	Fiscal 2026	Fiscal 2027
DEPARTMENT OF REVENUE -- 5801		
1. Information Management and Collections Division		
Delinquent Account Collection Fee (maximum percent of amount collected)	6.00%	6.00%
DEPARTMENT OF ADMINISTRATION -- 6101		
1. Director's Office		
a. Management Services		
Total Allocation of Costs	$3,060,000	$3,070,000
Portion of unit for HR charges per FTE of user programs	$1,320	$1,320
b. Chief Data Office		
Total Allocation of Costs	$500,000	$500,000
2. State Financial Services Division		
a. SABHRS Finance and Budget Bureau		
SABHRS Services Fee (total allocation of costs)	$4,936,529	$5,035,259
b. Warrant Writer		
Mailer	$1.30	$1.30
Non-Mailer	$0.60	$0.60
Emergency	$15.00	$15.00
Duplicates	$12.00	$12.00
Externals		
Payroll	$0.40	$0.40
University System	$0.40	$0.40
Direct Deposit		
Direct Deposit - Mailer	$1.30	$1.30
Direct Deposit - No Advice Printed	$0.20	$0.20
Unemployment Insurance		
Mailer - Print Only	$0.40	$0.40
Direct Deposit - No Advice Printed	$0.10	$0.10
c. Statewide Cost Allocation Plan (SWCAP)		
Statewide Cost Allocation Plan	$4,500,000	$4,500,000
3. General Services Division		
a. Facilities Management Bureau		
Rent (per sq. ft.)	$11.757	$11.790
Project Management - In-house	15%	15%
Project Management - Consultation	Actual Cost	Actual Cost
State Employee Access ID Card	Actual Cost	Actual Cost
b. Print and Mail Services		
Internal Printing	Cost + 25%	Cost + 25%
Imaging (Scan)	Cost + 25%	Cost + 25%
Pick and Pack Fulfilment	$1.00	$1.00
Desktop	$75.00	$75.00
IT Programming	$95.00	$95.00
Warrant Printing	$0.30	$0.30
Inventory Mark Up	20.00%	20.00%
External Printing		
Percent of Invoice Mark Up	8.80%	8.80%

Managed Print		
Percent of Invoice Mark Up	15.90%	15.90%
Mail Preparation	Cost + 25%	Cost + 25%
Mail Operations	Cost + 25%	Cost + 25%
Interagency Mail (total allocation of costs)	$397,635	$397,635
Postal Contract (Capitol)	$38,976	$38,976

4. State Information Technology Services Division

Rates Maintained/Based on SITSD's Tech Budget Model

Operations of the Division 30-Day Working Capital Reserve

The 30-day working capital reserve used to establish State Information Technology Services Division rates for state agencies included in HB 2 must be based on personal services of $22,538,138 in FY 2026 and $22,602,401 in FY 2027, operating expenses of $55,345,789 in FY 2026 and $55,392,605 in FY 2027, equipment and intangible assets of $370,861 in FY 2026 and $370,861 in FY 2027, and debt service of $1,170,000 in FY 2026 and $1,170,000 in FY 2027. The State Information Technology Services Division shall report to the Legislative Finance Committee at its June 2025 meeting on how it implemented the state agency rates for information technology services. The State Information Technology Services Division shall also report any adjustments to state agency rates for information technology or changes in appropriations of 5.0% or greater to each expenditure category at each subsequent meeting of the Legislative Finance Committee.

5. Health Care and Benefits Division

a. Workers' Compensation Management Program		
Administrative Fee	$1.24	$1.23

6. State Human Resources Division

a. Enterprise Learning and Development		
Program Fees (per FTE)	$40.3206	$40.3206
Linked-In Learning (per FTE)	$9.9830	$9.9830
b. Human Resources Information System Fee		
Per payroll warrant advice per pay period	$11.82	$12.39

7. Risk Management and Tort Defense

Auto Liability, Comprehensive, and Collision (total allocation to agencies)	$1,820,313	$1,820,313
Aviation (total allocation to agencies)	$169,961	$169,961
General Liability (total allocation to agencies)	$13,151,738	$13,151,738
Property/Miscellaneous (total allocations to agencies)	$9,009,000	$9,009,000

State agencies and universities will be billed half the insurance premium in the 2027 biennium by the Risk Management and Tort Defense Division (RMTD) due to an overage in the state insurance fund's reserves. Any insurance premium discounts that would have been realized in the 2027 biennium through participation in RMTD's risk management/loss mitigation programs must be applied from each state agency's or university's insurance premium holiday savings in a reasonable manner to avoid programmatic and funding shortfalls. RMTD has the authority to bill state agencies and universities an increased insurance premium if the agency or university does not participate in risk management/loss mitigation activities during the 2027 biennium.

It is the intent of the Legislature that the Risk Management and Tort Defense Division's proprietary fund partial rate holiday be one-time-only, and the full rate amount will be included in the 2029 biennium's base budget.

DEPARTMENT OF COMMERCE -- 6501

1. Board of Investments

For the purposes of [this act], the Legislature defines "rates" as the total collections necessary to operate the Board of Investments as follows:

Total Allocation	$8,079,321	$8,079,321

If [an act] is passed and approved to require the Board of Investments to operate as a fiduciary, then the Board of Investments internal service rate is void.

2. Director's Office/Management Services		
a. Management Services Indirect Charge Rate		
State	19.89%	19.89%
Federal	19.89%	19.89%

DEPARTMENT OF LABOR AND INDUSTRY -- 6602

1. Centralized Services Division		
a. Cost Allocation Plan	9.50%	9.50%
b. Office of Legal Services (direct hourly rate)		
Attorneys	$132	$132
Paralegals and Other Services	$97	$97
2. Technology Services Division		
a. Application Services (per hour)	$120	$120
b. Enterprise Services Rate (total amount allocated to divisions based on FTE)	$3,546,886	$3,513,016
c. Direct Services Rate (pass through to divisions)	Actual Cost	Actual Cost

DEPARTMENT OF FISH, WILDLIFE, AND PARKS -- 5201

1. Vehicle and Aircraft Rates

In the Department of Fish, Wildlife, and Parks Motor Pool Program, if the price of gasoline goes above $5.00 per gallon, tier two rates may be charged if approved by the Office of Budget and Program Planning. If the price of gasoline goes above $5.50 per gallon, tier three rates may be charged if approved by the Office of Budget and Program Planning.

Per Hour Rates		
a. Two-Place Single Engine	$454.00	$558.00
b. Four-Place Single Engine	$454.00	$558.00
c. Turbine Helicopters	$1,095.00	$1,102.00
Tier one		
a. Class 210 (sedan)		
Per Day Assigned	$17.30	$17.30
Per Mile Operated	$0.25	$0.25
b. Class 310 (van)		
Per Day Assigned	$23.30	$23.40
Per Mile Operated	$0.31	$0.32
c. Class 410 (utility)		
Per Day Assigned	$19.00	$19.80
Per Mile Operated	$0.40	$0.40
d. Class 610 (1/2 ton pickup)		
Per Day Assigned	$17.80	$18.40
Per Mile Operated	$0.50	$0.51
e. Class 710 (3/4 ton pickup)		
Per Day Assigned	$17.90	$18.40
Per Mile Operated	$0.58	$0.59
f. Class 1 Ton		
Per Day Assigned	$17.90	$18.40
Per Mile Operated	$0.58	$0.59
Tier two (contingent $5.00/gallon)		
a. Class 210 (sedan)		
Per Day Assigned	$17.30	$17.30
Per Mile Operated	$0.25	$0.26
b. Class 310 (van)		
Per Day Assigned	$23.30	$23.40
Per Mile Operated	$0.32	$0.33
c. Class 410 (utility)		
Per Day Assigned	$19.00	$19.80
Per Mile Operated	$0.41	$0.41

d. Class 610 (1/2 ton pickup)		
Per Day Assigned	$17.80	$18.40
Per Mile Operated	$0.52	$0.53
e. Class 710 (3/4 ton pickup)		
Per Day Assigned	$17.90	$18.40
Per Mile Operated	$0.60	$0.61
f. Class 1 Ton		
Per Day Assigned	$17.90	$18.40
Per Mile Operated	$0.60	$0.61
Tier three (contingent $5.50/gallon)		
a. Class 210 (sedan)		
Per Day Assigned	$17.30	$17.30
Per Mile Operated	$0.27	$0.27
b. Class 310 (van)		
Per Day Assigned	$23.30	$23.40
Per Mile Operated	$0.34	$0.35
c. Class 410 (utility)		
Per Day Assigned	$19.00	$19.80
Per Mile Operated	$0.43	$0.44
d. Class 610 (1/2 ton pickup)		
Per Day Assigned	$17.80	$18.40
Per Mile Operated	$0.55	$0.56
e. Class 710 (3/4 ton pickup)		
Per Day Assigned	$17.90	$18.40
Per Mile Operated	$0.64	$0.65
f. Class 1 Ton		
Per Day Assigned	$17.90	$18.40
Per Mile Operated	$0.64	$0.65
2. Proprietary Maintenance Rate		
Per Hour	$76.50	$76.50

DEPARTMENT OF ENVIRONMENTAL QUALITY -- 5301

Indirect Rate		
a. Personal Services	28%	28%

DEPARTMENT OF TRANSPORTATION -- 5401

1. State Motor Pool

In the State Motor Pool Program, if the price of gasoline goes above $3.97 per gallon, tier two rates may be charged if approved by the Office of Budget and Program Planning. If the price of gasoline goes above $4.47 per gallon, tier three rates may be charged if approved by the Office of Budget and Program Planning.

Tier one		
a. Class 02 (small utilities)		
Per Hour Assigned	$1.361	$1.432
Per Mile Operated	$0.181	$0.181
b. Class 04 (large utilities)		
Per Hour Assigned	$1.283	$1.607
Per Mile Operated	$0.279	$0.281
c. Class 05 (hybrid sedans)		
Per Hour Assigned	$1.292	$1.390
Per Mile Operated	$0.137	$0.132
d. Class 06 (midsize compacts)		
Per Hour Assigned	$1.004	$1.025
Per Mile Operated	$0.184	$0.186
e. Class 07 (small pickups)		
Per Hour Assigned	$0.528	$0.531
Per Mile Operated	$0.291	$0.317

f. Class 11 (large pickups)		
Per Hour Assigned	$1.911	$1.884
Per Mile Operated	$0.257	$0.257
g. Class 12 (vans – all types)		
Per Hour Assigned	$1.161	$1.236
Per Mile Operated	$0.238	$0.239
Tier two (contingent $3.97/gallon)		
a. Class 02 (small utilities)		
Per Hour Assigned	$1.361	$1.432
Per Mile Operated	$0.202	$0.202
b. Class 04 (large utilities)		
Per Hour Assigned	$1.283	$1.607
Per Mile Operated	$0.311	$0.312
c. Class 05 (hybrid sedans)		
Per Hour Assigned	$1.292	$1.390
Per Mile Operated	$0.152	$0.146
d. Class 06 (midsize compacts)		
Per Hour Assigned	$1.004	$1.025
Per Mile Operated	$0.204	$0.206
e. Class 07 (small pickups)		
Per Hour Assigned	$0.528	$0.531
Per Mile Operated	$0.322	$0.349
f. Class 11 (large pickups)		
Per Hour Assigned	$1.911	$1.884
Per Mile Operated	$0.289	$0.289
g. Class 12 (vans – all types)		
Per Hour Assigned	$1.161	$1.236
Per Mile Operated	$0.264	$0.265
Tier three (contingent $4.47/gallon)		
a. Class 02 (small utilities)		
Per Hour Assigned	$1.361	$1.432
Per Mile Operated	$0.223	$0.223
b. Class 04 (large utilities)		
Per Hour Assigned	$1.283	$1.607
Per Mile Operated	$0.343	$0.344
c. Class 05 (hybrid sedans)		
Per Hour Assigned	$1.292	$1.390
Per Mile Operated	$0.166	$0.160
d. Class 06 (midsize compacts)		
Per Hour Assigned	$1.004	$1.025
Per Mile Operated	$0.225	$0.226
e. Class 07 (small pickups)		
Per Hour Assigned	$0.528	$0.531
Per Mile Operated	$0.354	$0.380
f. Class 11 (large pickups)		
Per Hour Assigned	$1.911	$1.884
Per Mile Operated	$0.321	$0.321
g. Class 12 (vans – all types)		
Per Hour Assigned	$1.161	$1.236
Per Mile Operated	$0.290	$0.292
2. Equipment Program		
All of Program Operations	60-day working capital reserve	
3. King Air Beechcraft		
Per Hour	$1,487.61	$1,538.66

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION -- 5706		
1. Air Operations Program.		
a. Bell UH-1H	$1,916.00	$1,916.00
b. Bell Jet Ranger	$541.00	$541.00
c. Cessna 180 Series	$216.00	$216.00
DEPARTMENT OF JUSTICE -- 4110		
1. Agency Legal Services		
a. Senior Attorney (per hour)	$200.00	$200.00
b. Associate Attorney (per hour)	$160.00	$160.00
c. Paralegal (per hour)	$100.00	$100.00
d. Legal Assistant (per hour)	$75.00	$75.00
DEPARTMENT OF CORRECTIONS -- 6401		
1. Labor Charge for Motor Vehicle Maintenance (per hour)	$30.00	$30.00
2. Supply Fee as a Percentage of Actual Costs of Parts	10%	10%
3. Cook/Chill Rate -- Hot/Cold Base Tray Price (no delivery)	$2.75	$2.85
4. Cook/Chill Rate -- Hot Base Tray Price	$1.80	$1.90
5. Delivery Charge Per Mile	$0.50	$0.50
6. Delivery Charge Per Hour	$35.00	$35.00
7. Spoilage Percentage All Customers	5%	5%
8. Detention Center Trays	$3.83	$3.93
9. Accessory Package	$0.20	$0.20
10. Overhead Charge		
a. Montana State Hospital	7%	7%
b. Montana State Prison	85%	85%
c. WATCh Program	8%	8%
11. Base Laundry Price per pound	$0.73	$0.73
Delivery Charge per pound		
a. Riverside Youth Correctional Facility	$0.05	$0.05
b. Montana Law Enforcement Academy	$0.15	$0.15
c. Montana Chemical Dependency Corp.	$0.04	$0.04
d. Southwest Montana Veteran's Home	$0.04	$0.04
e. START Program	$0.01	$0.01
f. University of Montana per shared round trip	$67.50	$67.50
OFFICE OF PUBLIC INSTRUCTION -- 3501		
1. OPI Indirect Cost Pool		
a. Unrestricted Rate	19%	19%
b. Restricted Rate	19%	19%
MONTANA STATE LIBRARY -- 5115		
1. Natural Resource Information and Geographical Information Systems		
Total Allocation of Costs	$446,021	$446,021

Approved June 19, 2025

NOTE: The striking of language in Section 11, Appropriations, was done by Governor's line item veto dated June 19, 2025.

CHAPTER NO. 777

[HB 643]

AN ACT REVISING PAYMENT OF COSTS FOR USE OF A DETENTION CENTER; REVISING THE DEFINITION OF "ACTUAL COSTS"; PROVIDING AN APPROPRIATION; AMENDING SECTION 7-32-2242, MCA; AND PROVIDING A TERMINATION DATE.

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

Section 1. Section 7-32-2242, MCA, is amended to read:

"**7-32-2242. Use of detention center -- payment of costs.** (1) Local government, state, and federal law enforcement and correctional agencies may use any detention center for the confinement of arrested persons and the punishment of offenders, under conditions imposed by law and with the consent of the governing body responsible for the detention center.

(2) (a) Except as provided in 7-32-2245, if a person is confined in a detention center by an arresting agency not responsible for the operation of the detention center, the actual costs of holding the person in confinement must be paid by the arresting agency unless otherwise agreed to by the arresting agency and the operator of the detention center.

(b) If a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, the costs must be paid by the county, except as provided in 7-32-2245. If the department of corrections is the arresting agency and the inmate is a probation violator, the costs must be paid by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245.

(c) The department of corrections is responsible ~~to pay~~ *for paying the* actual costs for defendants following the pronouncement of sentence pursuant to 46-19-101.

~~(d)~~*(d)* Payments must be made to the government unit responsible for the detention center or to the administrator operating a private detention center under an agreement provided for in 7-32-2201 on presentation of a claim to the arresting agency.

~~(e)~~*(e)* For *the* purposes of this section, "actual costs" ~~of a detention center is defined as the greater of:~~

~~(i) the daily per inmate provider rate for crossroads correctional facility less 10%; or~~

~~(ii) $82~~ *of a detention center is defined as the greater of:*

(i) the daily per inmate provider rate for an operator of a private correctional facility in Montana with a population of more than 500 state inmates that contracts with the department of corrections less 10%; or

(ii) $82.

(3) If a person is a fugitive from justice from an out-of-state jurisdiction, the costs, including medical expenses, of holding the person in a detention center pending extradition must be paid by the out-of-state jurisdiction."

Section 2. Appropriation. (1) There is appropriated $6 million from the state special revenue account created in 50-1-119 to the department of public health and human services for the biennium beginning July 1, 2025. The funds may be used only to reimburse counties for the costs of holding in confinement in detention centers individuals who are awaiting evaluation or examination under 46-14-101, 46-14-202, 46-14-221, or 46-14-311, or who have been committed to the custody of the director of public health and human

services and are awaiting placement in appropriate facilities pursuant to 46-14-221, 46-14-301, 46-14-302, 46-14-304, 46-14-312, or 46-19-101.

(2) The department of public health and human services shall reimburse counties at a rate of 135% of the daily per inmate provider rate of an operator of a private correctional facility in Montana with a population of more than 500 state inmates that contracts with the department of corrections.

(3) The legislature intends that this is a one-time-only appropriation.

Section 3. Termination. [This act] terminates June 30, 2027.

Approved July 15, 2025

RESOLUTIONS

Adopted by the

SIXTY-NINTH LEGISLATURE
IN REGULAR SESSION

Held at Helena, the Seat of Government
January 6, 2025, through April 30, 2025

COMPILED BY MONTANA
LEGISLATIVE SERVICES DIVISION

House Joint Resolutions

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO FULLY FUND PUBLIC SAFETY AND LAW ENFORCEMENT AGENCIES, PROGRAMS, SERVICES, AND ACTIVITIES WITHIN MONTANA'S INDIAN RESERVATIONS.

WHEREAS, the Constitution of the United States of America, through the Treaty and Supremacy Clauses, acknowledges Indian nations and tribes as prior sovereigns; and

WHEREAS, through treaties, agreements, statutes, and executive orders, Indian nations and tribes came under the protection of the United States while reserving original sovereign authority and self-government over tribal members and territories; and

WHEREAS, through treaties, agreements, statutes, and executive orders, the United States undertook a federal trust responsibility, among other responsibilities, to assist Indian nations and tribes in providing public safety, law and order, and the administration of justice; and

WHEREAS, Montana's reservations have seen drug and alcohol abuse become an epidemic as methamphetamine, heroin, fentanyl, and other drugs have overtaken tribal lands, causing violent crime, domestic disturbance, and trouble among youth; and

WHEREAS, generations of Montana's Native Americans have mourned a missing or murdered family member or loved one, experienced unacceptably high levels of violence, and been victims of violent crime at rates much higher than national averages; and

WHEREAS, justice has eluded many Native American victims, survivors, and families, while criminal jurisdiction complexities and insufficient funding have left many injustices unaddressed; and

WHEREAS, levels of federal funding for tribal public safety, law enforcement, and tribal courts have consistently remained insufficient to fully fund the necessary public safety activities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature of the State of Montana:

(1) urges the United States Congress to support full funding of public safety and law enforcement agencies, programs, services, and activities within Montana's Indian reservations;

(2) urges the United States Department of Justice to develop a plan to cooperatively administer its Indian Country public safety, law enforcement, and administration of justice programs and services together with the United States Department of the Interior;

(3) urges the United States Department of Justice to conduct government-to-government consultation with Indian tribes to determine how best to provide the administration of programs and services and to allocate appropriated funds to meet the various needs of tribal justice systems, including funding for tribal law enforcement, courts, detention facilities, indigent counsel, victim services, juvenile justice, rehabilitation and reentry programs, and crime prevention efforts;

(4) invites each of the tribal governments of the federally recognized Indian tribes in Montana to adopt their own resolutions to the United States House of Representatives and the United States Senate urging Congress to fully fund law enforcement and public safety programs and services within Montana's Indian reservations and further invites the tribal governments to send their resolutions to the Secretary of State by June 30, 2025, to be collected and forwarded as a package to Congress; and

(5) requests Governor Gianforte to write a letter to the United States House of Representatives and the United States Senate providing similar support for Congress to fully fund Montana Indian reservation law enforcement and public safety programs and services and further requests the Governor to provide the letter to the Secretary of State by June 30, 2025, to be included with the package of resolutions for Congress.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each federally recognized tribal government in Montana on receipt of this resolution.

BE IT FURTHER RESOLVED, that the Secretary of State collect the tribal resolutions and letter from the Governor by June 30, 2025, and, as soon as possible after that date, send those communications along with a copy of this resolution as a single package to the Speaker of the United States House of Representatives, to the Majority Leaders and Minority Leaders of the United States House of Representatives and the United States Senate, to each member of the Montana Congressional Delegation, and to each federally recognized tribal government in Montana.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 4

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON ARTIFICIAL INTELLIGENCE.

WHEREAS, artificial intelligence is a current and evolving technology having significant impacts on society; and

WHEREAS, many states have conducted studies, formed committees or task forces, developed regulations, and established laws in relation to artificial intelligence; and

WHEREAS, artificial intelligence should be studied to ensure its proper application and regulation in the state of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) examine current laws or regulations within this state, other states, and the federal government that have aided in creating regulatory structures for artificial intelligence and whether these measures are or would be similarly effective in this state;

(2) using other state models, research an artificial intelligence code of ethics to be used by state agencies and an artificial intelligence bill of rights applicable to citizens;

(3) examine transparency and disclosure requirements as well as civil and criminal liability for entities that develop or deploy artificial intelligence systems; and

(4) assess the benefits and risks of artificial intelligence to state agencies and to the rights and interests of Montana residents, including the impact of artificial intelligence on employment, constitutional and legal rights, privacy interests, and economic welfare in this state.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 4, 2025

HOUSE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE 250TH BIRTHDAY OF THE UNITED STATES OF AMERICA.

WHEREAS, the Montana Legislature wishes to acknowledge milestones in the history of the United States of America; and

WHEREAS, colonists in the British colonies in North America were frustrated by the overreach of the power of the British King and Parliament; and

WHEREAS, the colonists considered themselves more American and believed they were under forced British rule; and

WHEREAS, the colonial leaders wrote a Declaration of Independence, issued on July 4, 1776, breaking away from British rule; and

WHEREAS, the Declaration of Independence enunciates grievances against British rule; and

WHEREAS, the Preamble of the Declaration of Independence states that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights"; and

WHEREAS, the Declaration of Independence declares further that all men have the right to "Life, Liberty and the pursuit of Happiness"; and

WHEREAS, France and Spain joined in wartime alliance with the American colonies under the command of George Washington, who would become the first President of the United States; and

WHEREAS, sixteen United States Presidents can trace their ancestry to those who fought or provided assistance in the War for American Independence; and

WHEREAS, in the year 2026, the United States of America will commemorate its 250th Anniversary in celebrating our "Declaration of Independence"; and

WHEREAS, the Montana Legislature desires to promote this unique, patriotic anniversary and urge all Montanans to celebrate and learn about the Declaration of Independence and America's founding; and

WHEREAS, the Sons of the American Revolution was founded on April 30, 1889, 100 years after the inauguration of George Washington; and

WHEREAS, the Daughters of the American Revolution was founded on October 11, 1890; and

WHEREAS, both the Sons of the American Revolution and the Daughters of the American Revolution share a mission to promote American history and the appreciation of our founding documents.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we, the members of the 2025 Montana Legislature, applaud the goals and educational outreach of both the Sons of the American Revolution and the Daughters of the American Revolution and partners previously mentioned, and convey to these organizations our heartfelt best wishes as we celebrate the 250th Anniversary of the signing of the Declaration of Independence on July 4, 2026.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the President of the United States and to each member of the Montana Congressional Delegation.

Adopted April 17, 2025

HOUSE JOINT RESOLUTION NO. 7

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA CONGRATULATING DONALD J. TRUMP ON HIS INAUGURATION AS PRESIDENT OF THE UNITED STATES.

WHEREAS, the citizens of the United States, including the steadfast people of Montana, have exercised their constitutional right to vote and Donald J. Trump has been duly elected as the 47th President of the United States of America, decisively defeating radical leftist Kamala Harris in the 2024 presidential election, with the esteemed J.D. Vance elected as Vice President; and

WHEREAS, President Trump secured a resounding landslide victory in Montana, winning 51 of the 56 counties in the state, reflecting that Montanans rejected the Democratic Party and its policies; and

WHEREAS, during his campaign, President Trump faced and triumphed over baseless, politically motivated charges and relentless attacks orchestrated by partisan adversaries, demonstrating unparalleled resilience and unwavering determination in his pursuit of the nation's highest office; and

WHEREAS, President Trump survived a heinous assassination attempt on July 13, 2024, during a campaign rally in Butler, Pennsylvania, where he sustained a gunshot wound to his right ear, and a second despicable assassination attempt was thwarted on September 15, 2024, at Trump International Golf Club in West Palm Beach, Florida, where a suspect armed with a rifle was apprehended before causing harm; and

WHEREAS, the Montana Legislature overwhelmingly acknowledges and wholeheartedly supports President Trump's unwavering commitment to strengthening the United States of America through sound governance, a robust economy, and the promotion of unity among its citizens; and

WHEREAS, the state of Montana stands in full support of President Trump's decisive border policies, including unwavering efforts to secure the southern border and enforce immigration laws, aiming to protect the nation's sovereignty, ensure public safety, and uphold the rule of law; and

WHEREAS, the state of Montana vigorously supports and encourages President Trump in his relentless efforts to combat the insidious "woke" agenda, aligning with Montana's steadfast commitment to uphold traditional values, preserve its cultural heritage, and safeguard the well-being of its citizens; and

WHEREAS, the people of Montana and the Montana Legislature urge President Trump to continue his valiant fight against the radical left, specifically targeting individuals and groups such as "The Squad" and Senator Bernie Sanders, who advocate for extreme progressive policies that threaten the foundational principles of the republic and endanger the cherished Montana way of life; and

WHEREAS, the Montana Legislature extends its profound gratitude to President Trump for his endorsement of Senator Tim Sheehy, whose candidacy led to the defeat of far-left radical Senator Jon Tester, thereby contributing to the restoration of conservative representation for Montana in the United States Senate; and

WHEREAS, the state of Montana opposes the far-left judicial attacks on President Trump, recognizing that such politically motivated actions undermine the integrity of our legal system. Furthermore, Montana faces similar challenges from activist judges who legislate from the bench, disregarding the will of the people and overstepping their constitutional authority; and

WHEREAS, President Trump's visionary leadership and unwavering commitment to conservative principles resonate deeply with the proud citizens of Montana, reflecting shared values of individual liberty, economic prosperity, and steadfast adherence to the founding principles of our great nation; and

WHEREAS, Montana recognizes the paramount importance of supporting the Office of the President to ensure a prosperous, secure, and sovereign future for all Americans; and

WHEREAS, President Trump took the Oath of Office on January 20, 2025, and has officially begun his term as President, ready to fulfill the sacred duties of leading the nation, protecting its Constitution, and serving its people with unwavering commitment.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Montana Legislature proudly congratulates President Donald J. Trump on his inauguration and expresses unwavering confidence in his ability to lead the nation during his term with strength and integrity.

(2) That the Montana Legislature extends its best wishes for President Trump's success in promoting policies that uphold the rights, freedoms, and opportunities of all Americans and in restoring the nation's greatness.

(3) That Montana reaffirms its unyielding commitment to work in close partnership with the federal government in the pursuit of policies that benefit both Montana and the United States as a whole, ensuring the prosperity and security of our citizens.

BE IT FURTHER RESOLVED, that the Secretary of State transmit a copy of this resolute resolution to the President of the United States Donald J. Trump, to the Vice President of the United States J.D. Vance, and to each esteemed member of the Montana Congressional Delegation. The distributed copy must include a list of full first and last names and titles of all of the legislators who cosponsored and voted yes on this resolution.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING ISRAEL'S RIGHT TO EXIST; CONDEMNING ALL FORMS OF ANTISEMITISM; AND CONDEMNING TERRORIST ATTACKS ON THE PEOPLE OF ISRAEL.

WHEREAS, throughout history and across the reign of multiple kingdoms, the Jewish people were persecuted and expelled from the Land of Israel and forced to live as minority diaspora communities in other lands; and

WHEREAS, Jewish diaspora communities were historically violently persecuted in, and in some cases expelled from, other countries throughout the Middle East, Europe, Africa, and Asia due to their religion; and

WHEREAS, the Nazis attempted to annihilate the entire Jewish population of Europe during the Holocaust, murdering 6 million Jewish people during this time; and

WHEREAS, this genocide provided new urgency to reestablish a Jewish homeland for the Jewish people following the Holocaust where they would not be a vulnerable minority, where they could freely practice their faith, and where something like the Holocaust could never happen again; and

WHEREAS, the modern State of Israel was established on May 14, 1948; and

WHEREAS, even after the establishment of the State of Israel, other countries and terrorist entities continued to attack Israel, reject its right to exist, and call for its destruction.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the 69th Legislature of the State of Montana condemns all forms of antisemitism.

(2) That the 69th Legislature of the State of Montana condemns all terrorist attacks on the people of Israel and the State of Israel, including all terrorist attacks from Hamas, Hezbollah, and the nation of Iran.

(3) That the 69th Legislature of the State of Montana reaffirms the State of Israel's right to exist.

(4) That the 69th Legislature of the State of Montana rejects all calls for Israel's destruction and elimination.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to President Donald J. Trump and the Montana Congressional Delegation.

Adopted April 11, 2025

HOUSE JOINT RESOLUTION NO. 10

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DECLARING THAT BIOLOGICAL BOYS AND MEN SHOULD NOT BE ALLOWED TO PLAY GIRLS' AND WOMEN'S SPORTS AND URGING THE UNITED STATES CONGRESS TO PASS THE PROTECTION OF WOMEN AND GIRLS IN SPORTS ACT OF 2025.

WHEREAS, in 1972, the United States Congress enacted Title IX of the Civil Rights Act of 1964 for the purpose of prohibiting discrimination based upon sex in any school or any other education program that receives funding from the federal government; and

WHEREAS, Title IX gives women athletes the right to equal opportunity in sports in educational institutions that receive federal funds from elementary schools to colleges and universities; and

WHEREAS, Title IX has made a lasting and significant impact on the lives of girls and women by increasing the participation of girls and women in athletics; and

WHEREAS, Title IX has led to a significant increase in the number of girls participating in athletics at the high school level, from less than 300,000 in 1972 to 3.5 million in 2021, while the number of women participating in collegiate athletics has risen from 29,997 in 1972 to 215,486 in 2021; and

WHEREAS, girls and women who participate in sports are more likely to get better grades in schools and are more likely to graduate than girls who do not play sports; and

WHEREAS, girls and women who play sports have higher levels of confidence and self-esteem and improved physical and mental health; and

WHEREAS, girls and women who play sports develop lifelong skills, such as organization and time management skills; and

WHEREAS, allowing biological boys and men to participate in girls' and women's sports is unfair and discriminatory because it prevents girls and women from playing sports; and

WHEREAS, allowing biological boys and men to participate in girls' and women's sports prevents girls and women from experiencing the benefits of sports; and

WHEREAS, allowing biological boys and men to participate in girls' and women's sports places girls' and women's safety and opportunities at risk; and

WHEREAS, to ensure biological boys and men are not playing girls' and women's sports, the United States Congress is considering the Protection of Women and Girls in Sports Act of 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the 69th Legislature of the State of Montana believes biological boys and men should not be allowed to play girls' and women's sports.

(2) That the United States Congress be urged to pass, and the President of the United States be urged to sign into law, the Protection of Women and Girls in Sports Act of 2025.

(3) That the Secretary of State send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Montana Congressional Delegation.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 15

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING INCREASED TRANSMISSION CAPACITY IN MONTANA.

WHEREAS, Over the last 100 years, Montana's electrical grid has developed and evolved, but additional electrical transmission infrastructure development is needed; and

WHEREAS, electric transmission infrastructure must be updated to keep pace with modern technological developments to better serve the energy needs of the state; and

WHEREAS, lack of access to lower-cost power in Montana has already resulted in the loss of large industrial employers; and

WHEREAS, increased electric transmission capacity within Montana and across state borders will enable greater investments to foster a diversified, resilient, and affordable electric grid; and

WHEREAS, updating Montana's electric transmission infrastructure is essential to unlocking the state's energy development potential, ensuring electric grid reliability, and addressing current constrictions that hinder energy imports, exports, and economic growth; and

WHEREAS, the United States Department of Energy has estimated that every dollar invested into improving the electric transmission system will produce between $1.60 and $1.80 in cost savings to the system; and

WHEREAS, electric transmission projects are particularly beneficial to Montanans when they prioritize the use of skilled Montana-based labor; and

WHEREAS, transmission infrastructure not only unlocks tremendous economic benefits but also creates direct tax revenues for local and state governments; and

WHEREAS, in addition to building new transmission lines, reconductoring existing transmission lines with modern wiring and grid-enhancing technologies can produce system benefits at lower upfront costs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature understands that upgrading and expanding electric transmission infrastructure both within Montana and on transmission pathways across state borders is essential to ensure affordable and reliable electricity service in Montana. Affordable and reliable electricity service has been and will continue to be fundamental for stable economic growth.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Governor of Montana, the Governors of North Dakota, South Dakota, Wyoming, and Idaho, members of the Montana Public Service Commission, the Montana Rural Electric Cooperatives' Association, the United States Department of Energy, the Bonneville Power Administration, NorthWestern Energy, Montana-Dakota Utilities Company, and members of the Montana Congressional Delegation.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 17

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO UNDERTAKE ACTIONS TO UNLEASH AMERICAN ENERGY BY REFORMING AND STREAMLINING PERMITTING OBLIGATIONS AND REPEALING OR REVISING ENVIRONMENTAL REGULATIONS AND ENVIRONMENTAL REVIEWS THAT DO NOT ALIGN WITH NATIONAL SECURITY INTERESTS.

WHEREAS, the United States should reduce its reliance on foreign energy sources and prioritize domestic energy production and independence; and

WHEREAS, energy production and the infrastructure supporting it are fundamental to the economic stability, national security, and overall well-being of the American people; and

WHEREAS, the United States faces a growing demand for reliable and efficient energy sources, particularly with the rapid rise of artificial intelligence,

which will place an additional strain on existing energy production and transmission networks; and

WHEREAS, environmental stewardship that keeps our air and water clean, protects public health, ensures biodiversity and species protection, and conserves public lands is a worthy goal that is important to achieve, but the current federal permitting and environmental review processes and federal regulations, including the power plant rules finalized by the Environmental Protection Agency in May 2024, the National Environmental Policy Act, the Endangered Species Act, the Clean Air Act, the Clean Water Act, the Surface Mining Control and Reclamation Act, Nuclear Regulatory Commission regulations, and dozens of other regulations have become excessively cumbersome and time-consuming, creating barriers to the construction, development, and deployment of essential new energy infrastructure, while not necessarily meaningfully advancing the goals of these laws; and

WHEREAS, not only do these overly restrictive permitting and environmental review processes and regulations prevent the expansion of critical energy projects that are needed to meet the new demands of energy, but recently enacted regulations under President Biden's Administration were designed to materially harm existing, reliable generation assets, such as Montana's Colstrip Steam Electric Station; and

WHEREAS, in order to support domestic manufacturing, enhance grid reliability and prevent blackouts, lower costs for consumers and businesses, meet the demands of emerging technologies, such as artificial intelligence, and ensure the national energy security goals announced by President Donald J. Trump are met, the federal government should reform and streamline its permitting and environmental review processes and regulations to support the construction and modernization of domestic energy generation and infrastructure necessary to sustain economic growth and technological advancement; and

WHEREAS, the United States' foreign adversaries are leveraging their lack of similar environmental regulatory paradigms to make large-scale investments in energy production and artificial intelligence advancements in an effort to gain technological and geopolitical dominance, while destabilizing the West and neutralizing Americans' global influence; and

WHEREAS, both linear infrastructure, such as pipelines and transmission lines, as well as energy generation infrastructure and corresponding fuel sources for that generation infrastructure face extraordinary and indefensible delays due to overlitigation, inappropriate blocking of nationally important projects by unrepresentative and often radical groups that hold those projects hostage, and excessive use of our court system to hinder worthy projects; and

WHEREAS, major delays in projects caused by inefficient permitting or overlitigation can dramatically increase costs and make projects less viable, harming national security interests, costing consumers, businesses, and taxpayers money, and making our energy system less reliable; and

WHEREAS, unnecessary permitting and regulatory delays also increase American dependence on energy produced by foreign dictators and authoritarian regimes that do not care about the United States' environmental laws; and

WHEREAS, unnecessary permitting delays limit investments made in modernizing our nation's infrastructure that would result in a more efficient energy system with reduced emissions and environmental impact; and

WHEREAS, overlapping federal permitting requirements lack the flexibility to allow for efforts that reflect the spirit and intent of traditional environmental laws by protecting human health and the environment instead of procedural compliance with outdated regulations; and

WHEREAS, failure to reform federal permitting laws is already resulting in harm to our national security interests, fewer jobs, and higher prices for Americans without providing additional benefits for the environment; and

WHEREAS, failing to reform these laws in the coming months will result in even greater limitations on our energy infrastructure, harming our ability to maintain artificial intelligence superiority against our foreign adversaries, and costing even more American jobs while raising costs for consumers and businesses and leaving America vulnerable to unreliability, blackouts, and the resulting severe harm to the American people; and

WHEREAS, President Donald J. Trump has already announced significant initiatives and is advancing policies that strengthen American energy and innovation independence, including the construction of data centers; and

WHEREAS, Montana is rich in abundant energy resource development and deployment opportunities, including coal, oil, natural gas, hydropower, wind, geothermal, hydrogen, solar, pumped storage hydropower, and nuclear capabilities; and

WHEREAS, Montana stands ready to support the United States' energy independence and national security goals by leveraging our natural resources, rich national defense heritage, work ethic, and sheer grit.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

Section 1. Policy. Orderly production and transmission of the United States' vast energy resources, unencumbered by unnecessary regulatory burdens, is essential to our nation's security and the well-being of the American people. It is further in the national interest to ensure that the United States' electricity is affordable, reliable, safe, and secure.

Section 2. Immediate review of Environmental Protection Agency actions taken on May 2024. The Environmental Protection Agency should immediately review and, as appropriate and consistent with applicable law, take swift action to undo two federal power plant regulations that were recently promulgated and conflict with the important national objectives set forth in Section 1.

(1) The Administrator of the Environmental Protection Agency should immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions promulgated, issued, or adopted in May 2024, that are or may be inconsistent with, or present obstacles to, the policy set forth in Section 1. For any of these identified actions, the Administrator should, consistent with applicable law, suspend, revise, or rescind the agency actions. This recommendation applies specifically to:

(a) the MATS RTR Rule, or "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review" 85 FR 38508, May 7, 2024, which should be addressed by June 2025. A repeal of the rule is recommended on the grounds that there have been no material developments in control technologies, practices, or processes since the prior technology review that would reduce emissions, the regulation is not necessary to protect public health, the costs of the regulation do not justify the benefits, and the rule was not promulgated consistent with the Clean Air Act and the Administrative Procedure Act. Of the four new power plant rules published in May 2024, the MATS RTR Rule has the earliest compliance dates and therefore should be addressed first.

(b) the GHG Rule, or "New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil

Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule" 89 FR 39798, May 9, 2024, which should be addressed by September 2025. This rule should be repealed initially on the grounds that carbon capture and storage and sequestration has not been adequately demonstrated and is not achievable, it is unlawful to set an emission standard based on generation-shifting, the costs of the regulation do not justify the benefits, and the rule was not promulgated consistent with the Clean Air Act and the Administrative Procedure Act. Following a repeal of the GHG Rule, the Environmental Protection Agency can issue a replacement rule that corrects these deficiencies.

(2) The Administrator of the Environmental Protection Agency, as appropriate and consistent with applicable law, should consider whether to take any additional agency actions to fully enforce the policy set forth in Section 1 of this order. The Environmental Protection Agency should act swiftly to repeal, rescind, or modify these rules in the name of national security and economic prosperity. The rules should not be allowed to stay in effect while replacement rules are developed. The Environmental Protection Agency should use a two-step rulemaking process to repeal, then replace, as required. Additionally, administrative or judicial stay pathways should be pursued. Emergency authorities to effectuate change should be pursued to the fullest extent as ordered by President Donald J. Trump.

Section 3. Regulatory Permitting. (1) Members of the United States Senate and the United States House of Representatives are urged to work in good faith to enact legislation that reforms federal permitting and environmental review processes within the National Environmental Policy Act, Endangered Species Act, Clean Air Act, Clean Water Act, Surface Mining Control and Reclamation Act, Nuclear Regulatory Commission regulations, and other regulations to promote economic and environmental stewardship by expediting the deployment of modern energy infrastructure. These reforms should enable faster construction of energy infrastructure of all kinds without prejudice, including by:

(a) considering steps to limit excessive use of judicial processes to slow projects inappropriately;

(b) preventing inappropriate usage of the federal Clean Water Act and other laws to hinder the lawful building of linear energy infrastructure, such as pipelines and transmission lines;

(c) enacting reforms to plan, permit, and financially support the necessary build-out of electricity transmission infrastructure to support a more reliable energy grid that lowers costs for consumers and businesses;

(d) in addition to more traditional energy sources like coal, natural gas, hydropower, solar, and wind, enabling the domestic build-out of the full array of modern energy technologies, including nuclear, emissions management, hydrogen, geothermal, pumped storage hydropower, battery and storage systems, and all other needs for a modern energy system; and

(e) preempting state laws and regulations that are inconsistent with national security priorities to develop domestic energy production and related infrastructure.

(2) This section should also be extended to the mining and processing of rare earth elements and critical minerals. The United States is highly reliant on China and other countries that do not share our interests to mine and process rare earth elements and critical minerals, with the demand for some of these minerals potentially growing by more than 40 times by 2040. Moreover, China is now banning the importation of rare earth elements and critical

minerals that are essential to the United States' energy generation, chip manufacturing, and military defense technologies. Other developed nations that share our goals to protect the environment while producing abundant energy resources, such as Canada and Australia, have shown that they can permit new mines within 2 to 3 years instead of more than a decade, as is often the case in the United States.

(3) The legislative reforms urged by this resolution should also strive to ensure accountability for federal agencies conducting permitting and environmental review processes, including better data and more aggressive timelines. Additionally, these legislative reforms should be accompanied by a redoubling of efforts to streamline federal regulations to support the efficient building of new energy infrastructure. Failure to act to update our federal permitting system to support building new energy infrastructure will further harm consumers, workers, and businesses, while making the United States less competitive and more vulnerable to both foreign adversaries and domestic outages. Congress should act with urgency in the coming months to fix our broken permitting system.

Section 4. Presidential national security powers. While Members of Congress undertake actions under Section 3 to reform and streamline permitting decisions and environmental review, there are other mechanisms and statutes that President Donald J. Trump has invoked and can continue to expand in the context of national security to streamline permitting, bypass environmental laws, or expedite energy generation like President Donald J. Trump's "Declaring a National Energy Emergency" Executive Order issued on January 20, 2025. Consistent with this Order, emergency authorities should be pursued to the fullest to protect national security, encourage American prosperity, and drive domestic energy independence. To the extent any of these acts and laws are time-sensitive, they should be modified to give broader authority to the President of the United States, especially to deal with our foreign adversaries.

(1) National Emergencies Act - The President of the United States can declare a national emergency under the National Emergencies Act. This declaration could enable the administration to invoke emergency powers that impact energy generation and environmental regulations. For example, certain statutes allow the President to waive or modify requirements under federal laws during emergencies, including the Clean Air Act or Clean Water Act.

(2) Defense Production Act - The Defense Production Act grants the President of the United States authority to prioritize and expand the production of materials and services deemed critical for national defense. If energy generation is framed as vital to national defense or resilience, the Defense Production Act could be used to streamline permitting and bypass environmental reviews under laws like the National Environmental Policy Act.

(3) Energy Policy and Conservation Act - The Energy Policy and Conservation Act provides certain presidential authorities to address energy shortages, particularly during crises. If invoked, it could allow for streamlined permitting processes for energy projects that enhance energy security.

(4) Invoking National Security Exemptions in Environmental Laws - Federal environmental laws, such as the Clean Air Act, Endangered Species Act, or National Environmental Policy Act, include provisions for national security exemptions. President Donald J. Trump or federal agencies at his direction could invoke these clauses to bypass environmental review requirements for energy projects deemed critical to national defense.

Section 5. American Corporate Protections. Congress and President Donald J. Trump should aggressively undertake actions to protect American companies from corporate espionage and theft of intellectual property by our foreign adversaries when it comes to energy generation, artificial intelligence, or other technological advancements that are in the nation's security interests.

BE IT FURTHER RESOLVED, that the Secretary of State is directed to transmit a copy of this resolution to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the Administrator of the Environmental Protection Agency, and each member of the Montana Congressional Delegation.

Adopted April 18, 2025

HOUSE JOINT RESOLUTION NO. 19

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO DECLARE THE LAST FULL WEEK IN SEPTEMBER AS FRONTOTEMPORAL DEGENERATION AWARENESS WEEK IN THE STATE OF MONTANA.

WHEREAS, it is the custom of the Montana Legislature to recognize official weeks that are set aside to increase awareness of conditions that affect the lives of citizens of Montana; and

WHEREAS, attendant to such concern, it is the sense of the Montana Legislature to proclaim the last full week of September as Frontotemporal Degeneration (FTD) Awareness Week in the State of Montana, in conjunction with the observance of World FTD Awareness Week; and

WHEREAS, FTD is identified in the National Plan to Address Alzheimer's Disease as a related dementia and included as a priority in the goals and strategies of the plan to achieve the vision of a nation free of Alzheimer's disease and related dementias; and

WHEREAS, a primary goal of the Montana Alzheimer's and Dementia State Plan is to promote public awareness and understanding of dementia related diseases; and

WHEREAS, the Association for Frontotemporal Degeneration (AFTD) reports that frontotemporal degeneration (FTD) is a terminal and incurable neurodegenerative disease affecting the frontal and temporal lobes, causing impairments to speech, personality, behavior, and motor skills, which constitutes a major public health concern; and

WHEREAS, it takes an average of 3.6 years from the onset of symptoms to get an accurate diagnosis of FTD with average life expectancy of 7-13 years after start of symptoms; and

WHEREAS, FTD strikes people as young as 21 and old as 80 with the largest percentage of those affected being in their 40s to 60s, rendering people in the prime of life unable to work or function normally; and

WHEREAS, FTD represents an estimated 5 to 15 percent of all dementia cases and is the most common form of dementia for people under 60 years of age; and

WHEREAS, FTD is often misdiagnosed as a psychiatric problem or other neurodegenerative disease because of the wide range of cognitive and behavioral symptoms and their young onset; and

WHEREAS, FTD imposes average annual costs associated with care and living with the disease that are approximately double those of Alzheimer's disease; and

WHEREAS, FTD often affects a person's ability to express emotions and to show affection and empathy for loved ones; and

WHEREAS, in the behavioral variant of FTD, a person's sense of social graces and appropriate behavior can be lost, and their personality may be significantly changed; and

WHEREAS, in the language variants of FTD (primary progressive aphasia), a person may have trouble producing speech and understanding grammar, lose the meaning of words or become hesitant in their speech, and may eventually become mute; and

WHEREAS, in the movement variants of FTD, a person may experience muscle weakness, falling, loss of balance, difficulty making speech, difficulty swallowing, or choking; and

WHEREAS, while there has never been a global epidemiology study of FTD, it is estimated that more than 60,000 people are affected in the United States today; and

WHEREAS, AFTD is the leading national organization exclusively focused on the spectrum of FTD disorders with a mission to improve the quality of life of people affected by FTD and drive research to a cure; and

WHEREAS, it is imperative that there be greater awareness of this serious disease, and more must be done to increase activity at the local, state, and national levels.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature proclaims the last full week of September as Frontotemporal Degeneration Awareness Week and requests that the Governor issue a proclamation of the same.

BE IT FURTHER RESOLVED that the Secretary of State send a copy of this resolution to the Governor, to the director of the Montana Department of Public Health and Human Services, and to the county commission of each county in Montana.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 20

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE FEDERAL GOVERNMENT TO INCREASE THE HOURS OF SERVICE AT MONTANA-CANADA CUSTOMS PORTS OF ENTRY.

WHEREAS, the U.S. Customs and Border Protection Agency has reduced the hours of service at several Montana-Canada customs ports of entry; and

WHEREAS, the hours of service reductions have impeded commerce and trade between Montana and Canada as well as the free flow of cross-border travel for business, leisure, competitive sports, and the maintenance of family ties; and

WHEREAS, Montana and Canada have a trading relationship that enhances the economic viability of communities on both sides of the border, including $1.2 billion in goods and services exported from Montana to Canada annually; and

WHEREAS, Canada is Montana's number one export market, and Montana sells more goods to Canada than to its next 20 largest foreign markets combined; and

WHEREAS, Canada has been America's most trusted ally and its friendliest and largest trading partner, with bilateral trade of $2.7 billion a day and over 300,000 people crossing the border each day.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Montana Legislature, representing all citizens of Montana, requests the federal government increase the hours of service at Montana-Canada customs ports of entry to enhance trade and allow for increased cross-border travel.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States and to the Montana Congressional Delegation.

Adopted April 25, 2025

HOUSE JOINT RESOLUTION NO. 23

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO REVIEW, SIMPLIFY, AND STREAMLINE THE MONTANA YOUTH COURT ACT; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Article II, section 15, of the Montana Constitution provides that the rights of persons under 18 years of age must include all the fundamental rights of adults unless specifically precluded by laws that enhance the protections of these persons; and

WHEREAS, when a youth commits an act that would constitute a crime if committed by an adult, the Montana Legislature has adopted the Montana Youth Court Act to address, adjudicate, and dispose of these issues; and

WHEREAS, the Montana Youth Court Act provides in section 41-5-102, MCA, that the Act must be interpreted and construed to preserve unity and welfare with the family, reduce youth delinquency, provide consistent consequences for the youth's actions, and provide judicial hearings that ensure the parties a fair, accurate hearing and recognition of their constitutional and statutory rights; and

WHEREAS, the Montana Youth Court Act has been repeatedly amended since its adoption in 1947; and

WHEREAS, in the course of amending the Montana Youth Court Act over the decades, the text has become unwieldly and cluttered and now consists of 13 parts of various sizes with multiple cross-references across the Act; and

WHEREAS, the complexity of the Montana Youth Court Act is now exceeding the complexity of the criminal code for adults; and

WHEREAS, as an example of this complexity, there are multiple decision points as to whether charges should be filed in district court, youth court, or resolved informally without court involvement; and

WHEREAS, as another example of complexity, charging decisions are based on multiple factors, such as the nature of the offense, the youth's age, the discretion or lack of discretion of the county attorney, and the opportunity for a "transfer hearing" to move some or all of the charges to district court or youth court, creating a trial within a trial; and

WHEREAS, as another example of complexity, there are a variety of dispositions unique to the Montana Youth Court Act, such as consent decree, consent adjustment with petition, consent adjustment without petition,

disposition in violation of consent adjustment, commitment to department, and extended jurisdiction juvenile; and

WHEREAS, as another example of complexity, there is a confusing series of laws regarding supervision when a youth becomes an adult, such as a "208 transfer," an extended jurisdiction prosecution, and the Criminally Convicted Youth Act; and

WHEREAS, as a result of this complexity, a juvenile proceeding was reversed by the Montana Supreme Court for a failure to follow this complex procedure in Matter of C.L., 2021 MT 294 (DA 20-0155), which involved a briefing that included a full-page flowchart to explain the youth court adjudication process; and

WHEREAS, a review, simplification, and clean-up of the Montana Youth Court Act would provide clarity to judges, county attorneys, the legal profession, and families; and

WHEREAS, a streamlined and simplified Act would better fulfill the purposes provided in section 41-5-102, MCA; and

WHEREAS, a simplified Act will still provide accountability for the youth's actions and protect the rights of all parties by ensuring fair and accurate hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to review and propose legislation to simplify and streamline the Montana Youth Court Act.

BE IT FURTHER RESOLVED, that the committee shall include input from county attorneys, the court administrator, youth court services personnel, district court judges and personnel, youth probation officers, the director or designee of the Office of the Public Defender, the director or designee of the Department of Public Health and Human Services, and the director or designee of the Department of Corrections.

BE IT FURTHER RESOLVED, that any changes proposed as a result of the committee's study should remain consistent with the legislative purposes enumerated in section 41-5-102, MCA, should not be driven by policy intended to increase punishment of youth, and should focus primarily on procedure.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 29, 2025

HOUSE JOINT RESOLUTION NO. 26

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF GUARDIANSHIP ISSUES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Montana has established a system of guardianships and conservatorships to protect people and their property when they cannot protect themselves; and

WHEREAS, court-appointed guardians and conservators are often untrained and lack experience to perform their duties; and

WHEREAS, there have even been cases of experienced conservators committing acts of malfeasance; and

WHEREAS, the system established in Montana to protect people who need protection is often not protecting them; and

WHEREAS, Oregon has a Conservatorship Audit Program housed in the Attorney General's Office to assist courts to understand and assess guardianship and conservatorship case filings; and

WHEREAS, in 2011, Minnesota established a Conservator Account Auditing Program in the Judicial Branch to improve conservatorship oversight and reduce administrative costs; and

WHEREAS, several states provide licensing or certification and training of guardians and conservators.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to study guardianship issues in Montana, including but not limited to training, licensing, certification, and auditing of guardians and conservators.

BE IT FURTHER RESOLVED, that the study:

(1) review existing resources in Montana for guardians and conservators;

(2) examine programs other states use to train, license, certify, and audit guardians and conservators;

(3) identify potential costs of programs and funding sources;

(4) determine where a Montana program should be placed for administrative purposes; and

(5) involve input and feedback from stakeholders, including but not limited to guardians, conservators, family members of those needing assistance, organizations involved in supporting guardians and incapacitated individuals, judges, staff from the Department of Public Health and Human Services and the Department of Justice, and any other stakeholders considered relevant by the committee.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 27

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON MORTICIANS AND FUNERAL SERVICES; EXAMINING WAYS TO IMPROVE CLARITY AND CONSISTENCY OF EXISTING STATUTE; RESEARCHING AND PROVIDING A FRAMEWORK

FOR OTHER METHODS OF FINAL DISPOSITION TO BE ADDED TO STATUTE; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, existing statutes regarding the final disposition of a deceased human body are spread across no less than seven different titles in the Montana Code Annotated; and

WHEREAS, existing statute does not include provisions for other methods of final disposition of a deceased human body, including natural organic reduction or alkaline hydrolysis.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) examine current statutes and department rules related to the final disposition of a deceased human body, including but not limited to:

(a) public cemetery services in Title 7, chapter 35, MCA;

(b) burial sites and human remains in Title 22, chapter 3, MCA;

(c) cemetery associations and mausoleum-columbarium authorities in Title 35, chapters 20 and 21, MCA;

(d) licensure of morticians, funeral service providers, and other related professions in Title 37, MCA;

(e) health and safety standards involved with cadavers, autopsies, and determination of death in Title 50, chapters 21 and 22, MCA;

(f) disposition rights, intestate succession, and anatomical gifts in Title 72, chapters 9, 11, and 17, MCA; and

(g) air quality permits for crematory facilities in Title 75, chapter 2, part 2, MCA.

(2) examine how other states have incorporated new technology for final disposition of deceased human bodies into existing statute, including organization and definitions;

(3) research currently available final disposition technologies, including natural organic reduction and alkaline hydrolysis, that are not provided for in statute or department rules;

(4) propose legislation to:

(a) update terminology and definitions to be consistent with current industry standard practice;

(b) modernize and reorganize archaic language for conformity with the bill drafting manual; and

(c) build a framework for new final disposition methods and technologies to be added into statute during future legislative sessions;

(5) collaborate on this issue with relevant stakeholders, including but not limited to:

(a) mortuary science professionals;

(b) crematory process professionals;

(c) representatives of each federally recognized tribal government in Montana;

(d) representatives of the board of funeral service established in section 2-15-1743, MCA;

(e) representatives of the Montana Funeral Directors Association;

(f) city or county public health experts; and

(g) representatives with expertise in other final disposition methods, including natural organic reduction and alkaline hydrolysis.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 25, 2025

HOUSE JOINT RESOLUTION NO. 28

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO IDENTIFY AND IMPROVE ACCESS TO FEDERAL GRANT OPPORTUNITIES FOR THE STATE OF MONTANA, TRIBAL GOVERNMENTS, AND LOCAL GOVERNMENT ENTITIES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, although many state agencies have successfully secured significant federal grant funding, feedback from constituents indicates that many grant opportunities remain unused; and

WHEREAS, local government entities, especially in small communities and tribal and rural areas of the state, lack the capacity to identify and pursue grant funding; and

WHEREAS, a concerted state approach to identifying and securing federal grants may yield significant revenue opportunities for public needs and potentially reduce the proportion of state tax revenue dedicated to those needs, allowing investment of revenue into other areas.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to:

(1) identify federal grant funding opportunities that have been available to state, tribal, and local government entities since 2020;

(2) identify which of the federal grant funding opportunities pursuant to subsection (1) that state, tribal, and local government entities currently utilize;

(3) identify federal grant funding opportunities pursuant to subsection (1) that are either unutilized or underutilized;

(4) evaluate why certain federal grant funding opportunities pursuant to subsection (1) are consistently and successfully utilized and why others are not;

(5) investigate the existence of any disparities that may be faced by small, tribal, and rural government entities when seeking to identify and secure federal grant funding opportunities pursuant to subsection (1) compared to the state's larger and more urban entities; and

(6) recommend strategies and resources that may enhance federal grant acquisition at the state, tribal, and local levels, including addressing any disparities between all levels of state government.

BE IT FURTHER RESOLVED, that the interim committee work with stakeholders, including executive agencies, tribal governments, local government representatives, and federal government representatives to offer input and proposals.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 29, 2025

HOUSE JOINT RESOLUTION NO. 29

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE STRONG BILATERAL RELATIONSHIP BETWEEN MONTANA AND TAIWAN.

WHEREAS, the United States and Taiwan have long enjoyed strong bilateral relations encompassing trade, education, cultural exchanges, and tourism; and

WHEREAS, Taiwan shares the core values of freedom, democracy, human rights, the rule of law, peace, and prosperity with the United States; and

WHEREAS, the United States is Taiwan's second-largest trading partner, while Taiwan is the seventh-largest trading partner of the United States, with bilateral trade totaling $128 billion in 2023; and

WHEREAS, Taiwan imported $3.7 billion worth of United States farm products in 2023, making it the seventh-largest market for overall United States agricultural products, as well as the sixth-largest export market for United States beef and wheat; and

WHEREAS, the robust trade and investment partnership between the United States and Taiwan provides a strong foundation for advancing a mutually beneficial bilateral trade agreement that fosters job creation, expands global market access, and strengthens international supply chains; and

WHEREAS, the State of Montana and Taiwan have maintained a valued sister-state relationship since 1985, with 2025 marking its 40th anniversary; and

WHEREAS, Taiwan was Montana's eighth-largest export market in 2023, with a trade value of $61.5 million, and the success of the 2024 Montana SelectUSA spin-off event highlighted the mutually beneficial economic ties between Montana and Taiwan; and

WHEREAS, the establishment of the Montana-Asia Trade Office in 2021, along with agreements, such as the driver's license reciprocity agreement in 2020, the Taiwan-Montana Education Cooperation Memorandum in 2023, and key memoranda of understanding signed during the 2023 Montana trade mission to enhance collaboration in photonics, quantum technologies, education, and trade, have collectively strengthened and deepened the partnership between Montana and Taiwan; and

WHEREAS, the landmark Taiwan Relations Act of 1979 has fostered a close bilateral relationship, advancing mutual security and commercial interests between the United States and Taiwan; and

WHEREAS, Taiwan, as a responsible and contributing member of the international community, has provided significant technical and financial assistance in response to natural disasters worldwide.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the State of Montana reaffirms its commitment to strengthening and deepening the relationship with Taiwan.

(2) That the State of Montana commemorates the 40th anniversary of its sister-state relationship with Taiwan.

(3) That the State of Montana advocates for Taiwan's meaningful participation in international organizations that address global trade, health, safety, and the well-being of its 23 million citizens.

(4) That the State of Montana endorses a closer economic and trade partnership between the United States and Taiwan, including the signing of a bilateral trade agreement and a tax agreement to promote mutual trade and investment.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Taipei Economic and Cultural Office in Seattle and to appropriate state and federal officials.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 30

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF METHODS TO INCREASE HOUSING DENSITY AND AFFORDABILITY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Montana communities are in dire need of quality housing supported by sustainable infrastructure, including housing for workers, new families, people seeking to age in place, and people seeking entry-level homes; and

WHEREAS, state government, local governments, and housing developers have a mutual responsibility to investigate paths for addressing the lack of housing in Montana; and

WHEREAS, increasing housing density and building workforce housing, starter homes, and homes for people aging in place requires meaningful partnerships between developers and local governments and a buyer market with the financial means to purchase newly developed homes; and

WHEREAS, increasing housing density also increases the overall taxable value for each acre of housing developments while reducing the tax burden on individual home owners residing within the development; and

WHEREAS, the Governor's bipartisan housing task force has prioritized policies that encourage housing density and the development of housing that is attainable at every income level.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) conduct a meaningful and robust investigation into methods to incentivize increased housing density at the local level;

(2) review state programs to support increased housing units supported by existing and new infrastructure;

(3) analyze the economic implications of increased housing availability created by increased housing density, including potential property tax implications for individual home owners and the taxable value of new and existing developments;

(4) identify programs that provide financial means for local governments to improve key water and wastewater systems; and

(5) investigate methods or programs to encourage greater density in housing developments that utilize city infrastructure.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including but not limited to for-profit and nonprofit housing developers, local governments, housing advocates, and appropriate state department staff.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 29, 2025

HOUSE JOINT RESOLUTION NO. 31

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE ENORMOUS CONTRIBUTIONS MADE EVERY DAY BY EDUCATIONAL SUPPORT PROFESSIONALS IN MONTANA'S PUBLIC SCHOOLS AND CELEBRATING EDUCATIONAL SUPPORT PROFESSIONALS DAY ON APRIL 3, 2025.

WHEREAS, Montana's future economic stability, safety, and creative opportunities are dependent on a well-educated populace; and

WHEREAS, the 9,106 educational support professionals employed in Montana's public schools include instructional paraprofessionals, secretaries, clerks, special-needs assistants, information technology services professionals, instructional paraprofessionals for students with deafness or hearing loss, sign-language interpreters, visual disability educators, and transportation and custodial employees; and

WHEREAS, educational support professionals contribute to the safety and success of Montana's public school students and of school activities they participate in; and

WHEREAS, educational support professionals participate in a wide variety of roles in schools, including as members of district committees that develop policies and school calendars and make determinations about district insurance policies; and

WHEREAS, educational support professionals play a vital role in helping all students, including students with significant physical, social-emotional, and mental needs, reach their full potential; and

WHEREAS, retention of educational support professionals is in the best interest of Montana; and

WHEREAS, one full-time job should be enough to thrive economically in Montana; and

WHEREAS, Montana's educational support professionals deserve the respect and praise of the Montana Legislature and the gratitude of Montana's citizens for their professionalism and deep commitment to the education, health, and safety of all Montana's public school students.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That educational support professionals throughout Montana be recognized for their significant impact on the educational outcomes and positive learning environments for Montana's students.

BE IT FURTHER RESOLVED, that the 69th Legislature recognizes and celebrates Educational Support Professionals Day in conjunction with the national Paraprofessional Appreciation Day on April 3, 2025.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 32

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE AVAILABILITY OF TRAINING AND THE QUALIFICATIONS OF INVESTIGATORS WITHIN MONTANA LAW ENFORCEMENT AGENCIES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, victims of serious crimes in Montana deserve to have those crimes investigated by members of law enforcement with training and expertise specific to those offenses; and

WHEREAS, according to the most recent Montana Law Enforcement Employment Survey administered by the Montana Board of Crime Control, there are approximately 117 law enforcement agencies across Montana, which are made up of officers with varying levels of training and experience in advanced investigation techniques; and

WHEREAS, of the 55 county sheriff's departments in Montana, 16 of those departments employ five or fewer law enforcement officers, and of the 46 municipal police departments, 22 employ five or fewer officers; and

WHEREAS, investigations of sexual assaults and homicides demand a higher level of training and skill than is acquired by obtaining a basic POST certification from the Public Safety Officer Standards and Training Council; and

WHEREAS, requiring law enforcement officers to receive advanced training increases the probability of successful resolutions to sexual assault and homicide cases and helps to avoid false charges and inadequate case preparation and decreases the likelihood of a successful appeal following a conviction.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to:

(1) review training opportunities related to investigating serious crimes, including homicide and related offenses as described in Title 45, chapter 5, part 1, and sexual crimes as described in Title 45, chapter 5, part 5, that are currently available to Montana peace officers;

(2) survey Montana law enforcement agencies and review the availability and quantity of peace officers who are qualified to investigate the crimes enumerated in subsection (1); and

(3) examine opportunities to increase the number of qualified investigators in Montana and, if necessary, consider legislation to help mitigate current deficiencies.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 29, 2025

HOUSE JOINT RESOLUTION NO. 33

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO TAKE ACTION RELATING TO UNSOLICITED OFFERS OF MORTGAGE CREDIT, KNOWN AS TRIGGER LEADS.

WHEREAS, the Montana Legislature maintains that it is in the best interest of all Montanans to have access to safe, accountable, and private mortgage banking in achieving the American dream of home ownership; and

WHEREAS, Montanans who seek to fulfill this dream have been increasingly besieged with unsolicited credit offers from a litany of unknown and amorphous financial institutions, not because Montana homebuyers requested the credit solicitations, but because various entities obtained leads that were triggered by the Montana homebuyer potentially seeking a mortgage through a trusted and known lender; and

WHEREAS, these unsolicited offers of credit by entities unknown to Montanans, known as trigger leads, routinely subject Montanans to a barrage of unrequested, unnecessary, and gratuitous emails, mail, texts, and telephone calls at all times, day and night; and

WHEREAS, trigger leads are, at worst, criminally fraudulent offers by entities seeking to commit identity theft, and at best, trigger leads subject Montanans to daily harassment. Accordingly, the Montana Legislature declares trigger leads a public nuisance that must be, at the very least, competently regulated, but the best solution is for trigger leads to be prohibited; and

WHEREAS, the federal Fair Credit Reporting Act and the Consumer Financial Protection Bureau, operating with the intent of fostering interstate commerce and competition in the mortgage credit market, have naively shielded trigger leads from any meaningful state action; and

WHEREAS, although the Fair Credit Reporting Act and the Consumer Financial Protection Bureau allow for a person to opt out of unsolicited offers of credit, in reality this practice is wholly ineffective and has only served as a convenient excuse to avoid meaningful federal regulation; and

WHEREAS, the United States Congress has, through introduced legislation, identified the overwhelming problem with the proliferation of trigger leads; none of these acts, however, have yet to pass.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Montana Legislature urges the United States Congress to take meaningful action to protect not only Montanans but all Americans by curtailing or eliminating trigger leads and, at the very least, to allow Montana and other states to protect their citizens by eliminating federal preemption of trigger leads under the Fair Credit Reporting Act.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 34

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING MONTANA'S BEEF PRODUCERS.

WHEREAS, the beef industry is a vital and longstanding cornerstone of the state of Montana's agricultural economy, with over 2.5 million cattle raised across the state, contributing significantly to the state's gross domestic product, rural communities, and job market; and

WHEREAS, Montana's beef producers, including ranchers, farmers, and workers, are dedicated to raising cattle in an environmentally responsible manner, upholding high standards for animal welfare, land stewardship, and sustainability; and

WHEREAS, Montana's cattle ranchers have long been stewards of the land, preserving open space, promoting soil health, and maintaining ecosystems through responsible grazing practices; and

WHEREAS, Montana beef producers face numerous challenges, including fluctuating market prices, rising feed and input costs, trade barriers, and increased competition from foreign beef imports that undermine Montana ranchers' ability to thrive; and

WHEREAS, Montana's beef industry is an essential contributor to local economies, providing jobs in agriculture, transportation, food processing, and retail sectors, and playing an integral role in the survival of many small towns and rural communities throughout the state; and

WHEREAS, Montana's high-quality beef is a respected product in national and international markets, and supporting Montana's beef producers is critical to maintaining the state's reputation for producing some of the best beef in the world; and

WHEREAS, Montana's beef producers not only provide a source of nutritious food for consumers but also contribute to national food security and support a balanced and healthy diet with lean, high-protein beef; and

WHEREAS, the Montana Legislature recognizes the importance of ensuring that the state's beef producers remain competitive, sustainable, and supported through favorable policies, market access, and fair-trade agreements; and

WHEREAS, the state of Montana opposes proposals that threaten the cattle industry by promoting harmful regulations, restrictions, and tax policies aimed at limiting or eliminating livestock production, which could undermine the economic viability of Montana's beef industry, disrupt rural communities, and harm Montana's agricultural heritage; and

WHEREAS, the state of Montana opposes the promotion, production, and sale of lab-grown "meat" as a substitute for real, responsibly raised beef, recognizing that lab-grown meat is an untested and harmful alternative that threatens the livelihoods of ranchers, distorts the marketplace, and poses significant questions about food safety, environmental impact, and long-term health consequences.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature strongly supports Montana's beef producers for their essential role in the state's economy, culture, and way of life.

BE IT FURTHER RESOLVED, that the Montana Legislature calls on the state and federal governments to prioritize policies that ensure fair market conditions, provide support for Montana ranchers, reduce unnecessary regulatory burdens, and facilitate better trade relationships that open new markets for Montana beef.

BE IT FURTHER RESOLVED, that the Montana Legislature encourages the development and promotion of policies that support sustainable beef production, encourage the use of innovative agricultural practices, and enhance the resilience of Montana's beef producers in the face of market challenges, climate change, and global competition.

BE IT FURTHER RESOLVED, that the Montana Legislature reaffirms its commitment to ensuring the continued success and viability of Montana's beef industry, recognizing its significance in supporting rural communities, preserving agricultural heritage, and maintaining Montana's position as a national leader in beef production.

BE IT FURTHER RESOLVED, that the Montana Legislature opposes any federal or state proposals that would impose excessive regulations, restrictions, or taxes on Montana's beef industry, which would jeopardize the livelihoods of ranchers and the economic well-being of rural communities across the state.

BE IT FURTHER RESOLVED, that the Montana Legislature strongly opposes the promotion, production, and sale of lab-grown "meat" as a substitute for natural beef, and supports policies that protect the integrity of Montana's beef industry and the safety of consumers by ensuring that only responsibly raised, high-quality beef enters the marketplace.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor of the State of Montana, to the United States Secretary of Agriculture, to each member of the Montana Congressional Delegation, to the Montana Stockgrowers Association, to the Montana Farm Bureau Federation, to the Ranchers-Cattlemen Action Legal Fund United Stockgrowers of America (R-CALF USA), to the United States Cattlemen's Association, to the National Cattlemen's Beef Association, and to the American Angus Association to further demonstrate the Legislature's strong support for Montana's beef producers and the Legislature's opposition to policies that threaten the industry.

Adopted April 25, 2025

HOUSE JOINT RESOLUTION NO. 35

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE IMMEDIATE MODIFICATION OF INEFFECTIVE AND DANGEROUS FEDERAL LAND MANAGEMENT AND WILDFIRE POLICIES IN ORDER

TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF MONTANA'S COMMUNITIES.

WHEREAS, over the last 2 decades, the United States Forest Service has increasingly adopted a more relaxed approach to wildfire suppression, often referred to as a "let it burn" policy, rather than pursuing aggressive initial attacks on wildfires; and

WHEREAS, the contributing factors of drought, extensive tree mortality due to insect infestation, the United States Forest Service's relaxed approach to the suppression of wildfire, and the ineffective federal forest management policies that allow for extensive accumulation of biomass make Montana's forest lands highly susceptible to catastrophic and environmentally destructive wildfires that put Montana's air quality at hazardous levels and its communities in imminent danger; and

WHEREAS, wildfire in areas labeled as full suppression areas have had delayed initial attack from days to weeks. A loophole has been exploited through which, by letting a wildfire burn forest land, the United States Forest Service can avoid going through the process of the National Environmental Policy Act (NEPA) environmental assessments required for controlled burns. Using wildfire as a loophole has created a reverse in fire suppression tactics whereby control lines meant to stop fire are intentionally placed miles from the fire boundary, and the fire is used to burn hundreds or thousands of additional acres of forest land. Using and encouraging wildfire as a means to document "treated" forest land is deceptive at best and allows less pressure on the United States Forest Service to actively manage forest land through timber harvest; and

WHEREAS, a lack of positive forest management by the United States Forest Service by reduced timber harvest and relaxed fire suppression has led to extremely large fires that account for large releases of carbon into the atmosphere and hazardous air quality in western states that directly impact the health of citizens. Despite this, wildfire smoke is not counted in the federal Environmental Protection Agency's air quality standards attainment determinations, yet it is the largest source of air pollution in Montana communities; and

WHEREAS, the United States Forest Service's movement to reclaim and close Forest Service roads and render them undrivable not only reduces access to forest land, which makes fire suppression more unattainable, but also supports the movement or sentiment to reduce timber harvest on forest lands and leads to a lack of forest management; and

WHEREAS, the monetary costs to our taxpayers and the federal government for wildfire suppression are astronomical and add to the skyrocketing national debt; and

WHEREAS, without aggressive initial attacks on wildfires on federal land, the threat to private land, state land, the wildland-urban interface, and the public health, safety, and welfare will only increase. In addition, Montana's fire suppression costs will substantially increase, and damage to property and natural resources will continue to grow.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature of the State of Montana urges the President of the United States, the Secretary of Agriculture, the Chief of the United States Forest Service, and the United States Congress to immediately modify federal land management and wildfire policies to ensure that:

(1) there is aggressive initial attack of wildfires on all federal lands, especially if there is potential for the fire to expand onto private or state land, affect the wildland-urban interface, or cause hazardous air quality;

(2) forest roads remain open and drivable, not only for public access but for future forest management activities and effective fire suppression activities;

(3) EPA air-quality standards be modified to include wildfire smoke, to the extent that there will be an increase in concern among federal land management and fire suppression agencies that wildfire smoke is unhealthy and harmful to our populace and is a major contributor of carbon released into the atmosphere;

(4) all "let it burn" policies are identified and reversed to ensure an aggressive initial attack by the United States Forest Service and that all NEPA processes are followed, preserving thousands of acres of prime timber and preventing the release of carbon into the atmosphere, which causes unhealthy air quality and excessive spending for added suppression costs; and

(5) state and local governments may actively engage in land and wildfire management operations on federal land to protect the public health, safety, and welfare and that stakeholder groups have more involvement in fire management for the creation of policies with the intention to better protect the resources and property most at risk by wildfire.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the President of the United States, the Chief of the United States Forest Service, the Secretary of Agriculture, the Secretary of the Interior, each member of the Montana Congressional Delegation, all 100 United States Senators, the United States Speaker of the House, the Majority Leader and Minority Leader of the United States House of Representatives, and the governors of Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming.

Adopted April 22, 2025

HOUSE JOINT RESOLUTION NO. 40

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON TRANSFERRING RESPONSIBILITY FOR PRODUCING FISCAL NOTES FROM THE EXECUTIVE BRANCH TO THE LEGISLATIVE BRANCH; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Title 5, chapter 4, part 2, governs the production of fiscal notes for legislative bills; and

WHEREAS, section 5-4-201, MCA, provides that "[a]ll bills reported out of a committee of the legislature having an effect on the revenues, expenditures, or fiscal liability of the state or of a county or municipality, except appropriation measures carrying specific dollar amounts, shall include a fiscal note incorporating an estimate of such effect. Fiscal notes shall be requested by the presiding officer of either house, who shall determine the need for the note at the time of introduction"; and

WHEREAS, section 5-4-203, MCA, provides that "[t]he budget director, in cooperation with the state or local agencies or officials or organizations representing local agencies or officials affected by the bill, is responsible for the preparation of the fiscal note and shall return same within 6 days"; and

WHEREAS, in several other states, the legislative fiscal analyst and staff are responsible for providing fiscal notes on all proposed legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to study the benefits and drawbacks of transferring responsibility for producing fiscal notes from the executive branch to the legislative branch.

BE IT FURTHER RESOLVED, that the Legislative Services Division may provide administrative, research, and legal support. The Legislative Fiscal Division may provide additional research and fiscal analysis.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 29, 2025

HOUSE JOINT RESOLUTION NO. 42

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF STATE AGENCY PROCUREMENT PRACTICES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the Montana Procurement Act has several beneficial purposes, including ensuring fair and equitable treatment of all people who deal with the procurement system in the state of Montana, providing increased economy in state procurement activities, maximizing the purchasing value of public funds, and providing for increased public confidence in the procedures followed by the state in procuring services; and

WHEREAS, all state agencies have a responsibility to adhere to the Montana Procurement Act to ensure the responsible, consistent, and transparent use of public funds; and

WHEREAS, in recent years there have been multiple state agency procurements that have raised questions about transparency and the appropriate use of public funds; and

WHEREAS, the Legislature has a vested interest in ensuring that all laws, including the Montana Procurement Act, are adhered to.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review state statutes and administrative rules related to state agency procurement;

(2) identify the policies and procedures state agencies use when determining whether to follow standard procurement procedures or how they otherwise determine whether to seek bids or proposals for services;

(3) identify any practical obstacles that may impact state agency procurement procedures;

(4) examine a sampling of procurement contracts from all state agencies, as determined by the designated committee, from the past 4 years, in an amount to not be unduly burdensome to agency staff, and determine which, if any, have deviated from the Montana Procurement Act;

(5) develop an accounting of the amount of money state agencies have paid to vendors who were selected outside of the standard procurement process;

(6) evaluate the contracts that have deviated from standard processes for signs of waste, fraud, or abuse;

(7) investigate ways to standardize and centralize reporting of all state agency procurement contracts; and

(8) develop recommendations for changes to statute, administrative rule, and agency procedure to prevent future deviations from the Montana Procurement Act.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 44

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ENDOCRINE-DISRUPTING CHEMICALS, PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES, AND WATER QUALITY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, human reproduction is declining around the world, affecting men, women, and children; and

WHEREAS, the decline in reproduction is attributed to unhealthy lifestyles and chemicals in the environment; and

WHEREAS, endocrine-disrupting chemicals, such as phthalates, bisphenol A, flame-retardants, and pesticides, interfere with the body's hormonal systems; and

WHEREAS, these endocrine-disrupting chemicals are found in toys, plastic drinking bottles, cleaning supplies, house dust, home furniture, electronics, building materials, fragrances, food, food packaging, personal care products, and drinking water; and

WHEREAS, exposure to endocrine-disrupting chemicals may contribute to attention deficit hyperactivity disorder, asthma, obesity, and early puberty in children; thyroid disorders, breast cancer, diabetes, obesity, and infertility in women; and thyroid disorders, diabetes, obesity, infertility, prostate cancer, and low sperm count in men; and

WHEREAS, perfluoroalkyl and polyfluoroalkyl substances, or PFAS, are a large, complex group of synthetic chemicals that have been used in consumer products and may affect human health; and

WHEREAS, PFAS are mobile, persistent, and bioaccumulative and are not known to degrade in the environment; and

WHEREAS, the Department of Environmental Quality has preliminarily studied PFAS and noted the health risks associated with PFAS; and

WHEREAS, statewide solutions should be explored in Montana to reduce or eliminate the potential risks posed by PFAS to human health and the environment; and

WHEREAS, declining birth rates and increasing life expectancy may create a "demographic time bomb" as future generations struggle to meet the needs and obligations of an older population, thereby reducing economic growth, decreasing tax revenue, and increasing health care costs; and

WHEREAS, declining sperm counts, diminished ovarian reserves, and increasing miscarriage rates could eventually threaten survival of the human race; and

WHEREAS, as a modest first step to combat what could become a global calamity, the Montana Legislature should examine the threats of these chemicals in our drinking water.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review how existing state water quality laws and federal acts, including the Clean Water Act and the Safe Drinking Water Act, protect water quality in Montana and regulate endocrine-disrupting chemicals;

(2) study the presence of PFAS in Montana, including potential sources of PFAS, sampling and testing methods to identify the presence of PFAS, and routes of human and ecological exposure;

(3) analyze research related to the health effects of endocrine-disrupting chemicals;

(4) determine, if possible, the prevalence of endocrine-disrupting chemicals in Montana; and

(5) offer recommendations for future study, rulemaking, or changes to law related to water quality, PFAS, and endocrine-disrupting chemicals.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 45

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON THE COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS AND ON CRIMINAL RECORD EXPUNGEMENT; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE IN THE FORM OF INTRODUCED LEGISLATION.

WHEREAS, criminal record clearance mechanisms have quickly become the preferred means to help mitigate many of the barriers and the stigmas that people with a criminal record often face; and

WHEREAS, historically, record clearance was relatively limited and involved restricting public access to a person's official criminal record, which could only be accessed through physical copies from a court; and

WHEREAS, technological innovations have fundamentally changed how information is accessed and shared, so criminal history information is now easily and cheaply available online from a wide variety of sources; and

WHEREAS, as a result, it can be difficult for a person's criminal history to be truly expunged in the digital public forum where employers, landlords, and others commonly seek information about an applicant's criminal history, and many individuals who have a history in the justice system continue to face employment and housing barriers due to background check errors that have been produced by private online sources; and

WHEREAS, state statutory and regulatory codes are littered with provisions that create barriers to employment, licensure, housing, and other opportunities due to a person's criminal history, and the extent to which these provisions implicate expunged criminal history is often uncertain; and

WHEREAS, people with criminal histories contend not only with legal barriers but also discrimination based on the stigmas of private employers and other actors.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to:

(1) review existing criminal record expungement laws in the state;

(2) investigate challenges related to collateral consequences of criminal convictions and how discrimination based on stigmas impacts individuals with expunged criminal records in the state. The study may include but is not limited to:

(a) the potential legal barriers to opportunity in housing and employment due to unaddressed ambiguity in law regarding expunged criminal history records;

(b) discrimination in housing and employment based on inquiries into expunged criminal history;

(c) interstate challenges experienced by people with expunged criminal history and any relief afforded by record clearance policies across state lines; and

(d) disclosure and dissemination of expunged criminal record information by commercial criminal record providers.

(3) consider evaluating how landlords, housing providers, and employers in the state interpret expunged records and explore state incentive models, including Medicaid value-based payment models, for expungement-friendly housing;

(4) analyze felony recidivism rates, employment outcomes, and social determinants of reentry success for individuals with expunged criminal records in the state;

(5) consider analyzing employment retention, wage growth, and housing stability of individuals with expunged criminal records in the state before and after record expungement;

(6) examine criminal record clearance laws in other states and identify whether these measures are or would be similarly effective in this state;

(7) evaluate forensic peer support as a key expungement support service and examine models of peer support integration in reentry programs in other states, specifically in Ohio, Pennsylvania, and Texas; and

(8) suggest specific changes to existing state law to respond to the legal barriers and discrimination, if any, that individuals with expunged criminal records face.

BE IT FURTHER RESOLVED, that the assigned committee collaborate with the general public and the relevant state and national stakeholders to examine this topic, including but not limited to the Department of Justice, the Office of the State Public Defender, the Department of Corrections, county prosecutors, and victim advocates.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature in the form of introduced legislation.

Adopted April 29, 2025

HOUSE JOINT RESOLUTION NO. 47

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF LOCAL GOVERNMENT ENTITY COOPERATION AND CONSOLIDATION; AND REQUESTING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, local government entities, including county, municipal, and consolidated governments, but also a variety of special districts, including but not limited to fire districts, water and sewer districts, road improvement districts, housing authority districts, hospital districts, weed management districts, airport authority districts, irrigation districts, and other miscellaneous districts, are the government units that most closely and directly serve the citizens of Montana; and

WHEREAS, in addition to the various districts, each county, municipality, and consolidated local government is often organized into departments, each with a duty to serve the citizens of Montana and deliver effective service; and

WHEREAS, a majority of local government entities and departments cooperate well and have taken effective steps to meet the needs of their constituents; however, multiple cases exist that demonstrate a lack of cooperation, unnecessary conflict, or otherwise inefficient and ineffective government; and

WHEREAS, the changing demographics of Montana also pose a unique challenge for some areas to continue to provide effective service, especially government entities such as fire departments, fire districts, and fire service areas and other emergency and disaster response entities who have experienced population growth or other changes to the communities they serve; and

WHEREAS, reviewing the statutory framework for local government entities and determining if additional tools are needed for those who are experiencing challenges will benefit all citizens of Montana who deserve a functional, effective, and fiscally responsible government.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) identify areas of local government that may benefit from more intergovernmental cooperation or strategies to improve communication, cooperation, and mutual benefit;

(2) review current methods of intergovernmental cooperation available to local government entities and analyze the effectiveness and efficiency of current methods;

(3) examine methods or policies used in other states that have been demonstrated to aid in intergovernmental cooperation and determine if the methods or policies may be appropriate for Montana;

(4) identify and analyze areas of local government that may benefit from consolidation, including consideration of methods for withdrawal or dissolution if local government entities choose to consolidate; and

(5) analyze the fiscal impacts of increased cooperation or consolidation to both local government entities and the state, including a review of current costs of operation and whether increased cooperation or consolidation measures may reduce those costs.

BE IT FURTHER RESOLVED, that the committee engage appropriate stakeholders, including but not limited to local government officials and employees, the Montana Association of Counties, the Montana League of Cities and Towns, and the Montana State University Local Government Center.

BE IT FURTHER RESOLVED, that the committee make reasonable attempts to receive input from individual members of local government entities being investigated and take comment from all parties involved in the event the committee discovers a lack of communication, cooperation, or general government effectiveness.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 48

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON MOVING THE DATE OF MONTANA'S PRIMARY ELECTION; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Montana's primary election is held on the first Tuesday after the first Monday in June preceding a general election held in an even-numbered year; and

WHEREAS, in the 2024 presidential primary cycle, 42 states and territories held their presidential primary election or caucus before Montana's primary election date; and

WHEREAS, the nominees for presidential candidates for both major parties have been decided prior to Montana's primary election in each contest since 2008; and

WHEREAS, states that hold their presidential primary early in the cycle get more attention from candidates and national media, and the concerns of their citizens are prioritized; and

WHEREAS, as of 2024, there were 799,849 registered voters in the state of Montana; and

WHEREAS, moving the date of Montana's primary election to earlier in the cycle could increase attention on the issues of concern to the voters of Montana; and

WHEREAS, moving the date of Montana's primary election would impact existing dates, deadlines, and election procedures, as well as school and local elections and the people who administer them; and

WHEREAS, the House State Administration Committee is committed to keeping all Montana elections honest, fair, and secure.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to:

(1) study moving the date of Montana's primary election;

(2) examine existing dates, deadlines, and other procedures in Montana law that would need to be adjusted in order to change the date of the primary election;

(3) assess any potential conflicts with the current timeline for the decennial districting and apportionment processes;

(4) evaluate the impact of the changes on election administrators and voters;

(5) examine the impact on other elections of changing the primary election date and identify possible areas for consolidation and efficiency;

(6) identify the possible benefits, drawbacks, and tradeoffs for the voters of Montana of moving the date of the primary election; and

(7) develop legislation to introduce during the 70th legislative session that includes a new primary election date and all the changes needed to the Montana Code Annotated to implement the date change.

BE IT FURTHER RESOLVED, that the study be conducted and the recommendations be developed in consultation with all interested stakeholders, including but not limited to:

(1) county election administrators;

(2) the Office of the Secretary of State;

(3) local and tribal government leaders;

(4) school administrators and officials;

(5) the Office of Public Instruction;

(6) stakeholder groups; and

(7) interested citizens.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 50

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE UNIFORM COMMON INTEREST OWNERSHIP ACT; AND REQUESTING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the Montana Legislature commonly hears and considers legislation each session regarding owners' associations; and

WHEREAS, the joint Local Government Interim Committee has studied owners' associations for the past two legislative cycles, including learning about the makeup of owners' associations, studying our current legal structure that applies to owners' associations, talking to stakeholders that work with owners' associations about how to address owners' associations in Montana law, and discussing the implementation of the Uniform Common Interest Ownership Act to address concerns about owners' associations; and

WHEREAS, during the interim committee's work, it was discussed that the Uniform Common Interest Ownership Act also addresses the Unit Ownership Act in Title 70, chapter 23, MCA, which governs condominiums in Montana and has not been thoroughly amended since its adoption in 1965; and

WHEREAS, the laws in banking, insurance, title, real estate, and development industries have significantly changed since 1965; and

WHEREAS, it was identified in the last Local Government Interim Committee that the Uniform Common Interest Ownership Act was specifically drafted by the Uniform Law Commission to address the issues the committee identified regarding owners' associations; and

WHEREAS, the committee asked members of the Montana Bar Association to review and draft, with input from stakeholders, the Uniform Common Interest Ownership Act, which the Local Government Interim Committee would consider for possible introduction to the 69th Legislature; and

WHEREAS, the draft of the Uniform Common Ownership Act was completed after the final meeting of the Local Government Interim Committee and therefore could not be considered and introduced as a committee bill; and

WHEREAS, the Uniform Common Interest Ownership Act was introduced in the 69th Legislature as House Bill No. 619 and was co-sponsored by all sitting legislators that sat on the Local Government Interim Committee; and

WHEREAS, the House Judiciary Committee tabled House Bill No. 619 after committee members argued that the bill was too large and complex to understand after one hearing and needed more review; and

WHEREAS, it is in the best interests of Montanans to have comprehensive and updated laws governing owners' associations and condominiums.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review and analyze the Uniform Common Interest Ownership Act, as introduced in the 69th Legislature as House Bill No. 619, for potential implementation in Montana;

(2) review and analyze the current structure of Montana law, including laws governing nonprofit organizations in Title 35, chapter 2, MCA, the Unit Ownership Act in Title 70, chapter 23, MCA, and other laws that specifically address owners' associations; and

(3) determine if legislative changes are warranted to address owners' associations in Montana.

BE IT FURTHER RESOLVED, that the study include representatives from interested parties, including but not limited to the Montana Bankers Association, Montana Land Title Association, Montana Association of Realtors, and other industry representatives as considered appropriate.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 52

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON THE IMPLEMENTATION OF A STATE CATTLE ASSESSMENT AND A MONTANA CATTLE COMMITTEE TO FUND AND ADMINISTER RESEARCH, PROMOTION, AND EDUCATIONAL PROGRAMS DESIGNED TO ENHANCE THE MONTANA CATTLE INDUSTRY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the beef industry is a vital and longstanding cornerstone of the state of Montana's agricultural economy, with over 2.5 million cattle raised across the state annually, contributing significantly to the state's gross domestic product, rural communities, and job market; and

WHEREAS, the production of cattle and beef provides a viable living for many Montanans and serves as the economic foundation of many communities; and

WHEREAS, the stabilization, maintenance, and expansion of markets for Montana cattle is necessary in order to provide consumers with an adequate supply of high-quality beef; and

WHEREAS, the state of Montana has established a reputation for producing some of the best beef in the world, and Montana's high-quality beef is a respected product in national and international markets; and

WHEREAS, supporting Montana's beef industry is critical to maintaining the state's reputation for producing some of the best beef in the world; and

WHEREAS, the Montana cattle industry faces numerous challenges, including fluctuating market prices, rising feed and input costs, trade barriers, and increased competition from foreign beef imports; and

WHEREAS, the Montana Legislature recognizes the importance of ensuring that the state's beef industry remains competitive, sustainable, and supported through favorable policies, shared organization, education and promotion, market access, and fair trade agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to examine the profitability and marketability of the state's cattle industry, propose legislation to improve management, research, education, and promotion of state beef and beef products, and support the expansion of domestic and international markets for Montana cattle.

BE IT FURTHER RESOLVED, that the interim committee:

(1) consider the implementation of a state assessment on Montana cattle to fund the promotion, marketing, research of, and education about Montana cattle and cattle products, similar to the National Beef Checkoff Program but at the state level;

(2) review how similar state-level cattle assessments were implemented in other states, including but not limited to North Dakota, Idaho, Washington, Utah, California, and Texas;

(3) examine stakeholder research and recommendations for conducting a referendum of Montana cattle producers to determine the level of interest for a state cattle assessment;

(4) investigate options for an assessment collection and refund distribution process, similar to existing processes for the refund of assessments on wheat, barley, and pulse crops in Title 80, chapter 11, MCA;

(5) explore existing resources that could be utilized, including but not limited to the Montana Beef Council; and

(6) evaluate the membership of a potential quasi-state agency commodity board to administer and manage the state cattle assessment and funds, including the membership selection and the appointment process.

BE IT FURTHER RESOLVED, that the interim committee include input from relevant stakeholders, including but not limited to state cattle producers, the Montana Stockgrowers Association, the Montana Cattlemen's Association, the Montana Association of Livestock Auction Markets, the Montana Cattlewomen, the Montana Beef Council, the Intertribal Agriculture Council, the Montana Meat Processors Association, the Montana Cattle Feeders Association, the Montana Farm Bureau Federation, the Montana Farmers Union, and other organizations that have an interest in the production or marketing of Montana cattle and cattle products.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 53

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON IMPROVING SCHOOL SAFETY; AND REQUIRING

THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the safety of children and the adults who educate and care for them is of paramount importance;

WHEREAS, there is a strong correlation between a safe school environment and higher academic achievement, with students in safer schools tending to have better grades and test scores; and

WHEREAS, safe schools promote positive social interactions, reduce bullying, and create a more supportive environment for students to develop healthy relationships; and

WHEREAS, students who feel secure at school are more likely to be engaged in their learning and actively participate in school activities; and

WHEREAS, Montana K-12 schools would benefit from a coordinated cross-system collaborative study to identify existing and nonexistent school safety practices; and

WHEREAS, having proper safety protocols in place allows for effective collaborative response to emergencies such as fires, medical emergencies, and active shooter scenarios; and

WHEREAS, Montana is one of the few states without a unified, coordinated approach to supporting school safety and lacks a designated state system that provides schools with comprehensive guidance and support.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to conduct a study on improving school safety.

BE IT FURTHER RESOLVED, that the committee collaborate in this study with relevant stakeholders, including but not limited to the following organizations and entities:

(1) the Montana Safe Schools Center;
(2) the Office of Public Instruction;
(3) the Montana Department of Justice;
(4) the Montana Sheriffs and Peace Officers Association;
(5) the Board of Public Education;
(6) the School Administrators of Montana
(7) the Montana School Boards Association;
(8) the Department of Public Health and Human Services;
(9) the Montana Professional Learning Collaborative;
(10) the Montana Board of Crime Control; and
(11) the Jeremy Bullock Memorial Trust.

BE IT FURTHER RESOLVED, that the committee organize the study based on an examination of Montana's implementation of the Ten Essential Actions to Improve School Safety recommended to the Attorney General of the United States by the School Safety Working Group of the Office of Community Oriented Policing Services in 2020, including:

(1) a review of best practices in implementing each action, including examples from other states;

(2) an analysis of whether, how, and to what degree Montana has implemented best practices for each action; and

(3) an examination of how Montana can improve the implementation of each action.

BE IT FURTHER RESOLVED, that the committee:

(1) review existing Montana statutes and funding mechanisms related to school safety, with a specific focus on examining how existing statutes and

funding mechanisms can be clarified, coordinated, consolidated, and better aligned with the Ten Essential Actions to Improve School Safety; and

(2) examine how cross-agency coordination and collaboration for school safety can be promoted in Montana, including through a designated entity to act as a clearinghouse for model policies, training, and technical assistance.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 29, 2025

HOUSE JOINT RESOLUTION NO. 55

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE LICENSING STANDARDS, EDUCATION, AND PRACTICES OF PROPERTY MANAGEMENT IN THE STATE; AND REQUIRING THAT THE RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, residential and commercial landowners hire property managers to manage landowners' properties throughout the state; and

WHEREAS, to manage these properties, property managers are required to obtain a license that requires education and training approved by the Department of Labor and Industry; and

WHEREAS, in 2023, the Department of Labor and Industry was charged with the responsibility of receiving complaints from citizens in the state and with disciplining licensed property managers for violations of professional conduct; and

WHEREAS, the Department of Labor and Industry is authorized to create rules and regulations for professional practice with respect to the licensing of property managers, but professional practice is limited in requiring property managers to comply with the responsibilities of the Montana Residential Landlord and Tenant Act and commercial rental contract law in the state; and

WHEREAS, the state recognizes the importance of property managers to provide services to both landowners and tenants with respect to the rental of property; and

WHEREAS, these services are received at a cost, and the costs, which are not monitored or regulated, have affected both landowners and tenants as an increase in rental prices in the state; and

WHEREAS, the state has recognized that foreign corporations and foreign investment groups are not required to have licensed and regulated property managers overseeing rental properties, thus reducing the quality of those rental properties.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review the current licensing, education, and fee requirements of property managers in Montana;

(2) review the conformance of property manager requirements and practice with the Montana Residential Landlord and Tenant Act, the commercial rental laws of Montana, and the property management requirements of foreign corporations and investment groups;

(3) examine the current end-user costs charged to landowners and tenants as a result of property management licensing and education requirements; and

(4) identify education requirements and practices from other states to evaluate how Montana's statutes align with or differ from those in other jurisdictions and identify best practices that may inform potential legislative changes.

BE IT FURTHER RESOLVED, that the committee solicit feedback from stakeholders and relevant parties, including but not limited to property managers, landlords, tenants, tenant unions, attorneys who work in landlord-tenant law, professional organizations in the field of landlord-tenant relations, and housing policy experts in the property management industry.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 56

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE SEARCH AND RESCUE SERVICES AVAILABLE AND FUNDED IN MONTANA; AND REQUESTING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the state of Montana is the fourth largest state in the United States in terms of overall landmass with over 94 million acres; and

WHEREAS, Montana's unique landscape provides countless opportunities for outdoor recreation; and

WHEREAS, in 2023, Montana law enforcement agencies entered 2,263 missing persons into the Montana Missing Persons Clearinghouse; and

WHEREAS, Montana is one of the only states in the Unites States without a statewide search and rescue program or coordinator; and

WHEREAS, pursuant to section 7-32-2121, MCA, each county sheriff has statutory authority to conduct search and rescue operations; and

WHEREAS, tribal authorities are responsible for search and rescue within their respective jurisdictions; and

WHEREAS, the resources needed for search and rescue operations often exceed those readily available to local jurisdictions; and

WHEREAS, much of Montana is made up of extremely remote areas that necessitate the use of specialized equipment not readily available to local jurisdictions, often requiring the use of privately owned equipment, such as boats or aircraft; and

WHEREAS, search and rescue personnel often need to be trained to operate in extreme or dangerous terrain in remote areas or in dangerous conditions,

such as partially collapsed structures or areas with hazardous materials, both of which require specialized skills that may not be available in a local jurisdiction; and

WHEREAS, despite being only 6.5% of Montana's overall population, indigenous persons made up 30.6% of all persons reported missing in the state in 2023; and

WHEREAS, the seven Indian reservations in Montana make up almost 10% of the overall landmass of the state; and

WHEREAS, 19 of the 56 counties in Montana border or contain Indian reservations, presenting unique challenges to search and rescue operations when extraordinary situations necessitate interjurisdictional assistance or reimbursement; and

WHEREAS, operational challenges for search and rescue missions posed by Montana's unique environment and varying landscape are likely to result in costs exceeding the amount that may be reimbursed by the state as provided in section 10-3-801, MCA; and

WHEREAS, operational reimbursement and grant funding for search and rescue teams are administered by multiple state agencies; and

WHEREAS, the Montana Department of Fish, Wildlife, and Parks' 2020 fiscal year report on department funding sources indicated yearly revenue distributed to the search and rescue fund totaling $132,261 and a balance of $1,393,316; and

WHEREAS, pursuant to section 15-1-122, MCA, the search and rescue account provided for in section 10-3-801, MCA, is to be funded by 0.04% of the motor vehicle revenue deposited in the state general fund each fiscal year; and

WHEREAS, pursuant to sections 87-1-601 and 87-2-202, MCA, the search and rescue account provided for in section 10-3-801, MCA, is to be funded by voluntary donations made when purchasing a conservation license; and

WHEREAS, pursuant to section 10-3-801, MCA, local search and rescue operations conducted through a county sheriff's office are subject to a maximum reimbursement of $12,000 for each rescue operation, regardless of the number of counties or search and rescue operations that are involved; and

WHEREAS, pursuant to section 10-3-801, MCA, search and rescue operation reimbursement is administered by the Disaster and Emergency Services Division of the Montana Department of Military Affairs but can be obtained by request from the Montana Sheriffs and Peace Officers Association search and rescue subcommittee; and

WHEREAS, pursuant to section 10-3-801, MCA, only local search and rescue operations conducted through a county sheriff's office are eligible for reimbursement, leaving tribal search and rescue teams and operations disparately impacted.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review and consider proposing legislation to:

(a) update reimbursement amounts based on inflationary and other analyses for local search and rescue operations if the current amount provided in section 10-3-801, MCA, is not commensurate with actual agency costs incurred, no matter how many agencies or jurisdictions are involved;

(b) clarify and streamline the process by which agencies make requests for reimbursement for search and rescue operations;

(c) address the disparate rate of missing persons in Indian country and determine whether state reimbursement is currently aiding search and rescue operations within those jurisdictions;

(d) enhance recognition of the difference between disaster-level events requiring intervention by the Disaster and Emergency Services Division of the Department of Military Affairs and more typical events that may be handled entirely at the local level through reimbursement, as provided in section 10-3-801, MCA, or with minimal interjurisdictional assistance;

(e) update the search and rescue fund provided for in section 10-3-801, MCA, and update allocations from the fund pursuant to section 15-1-122, MCA, from the Motor Vehicle Division of the Department of Justice's fiscal year revenue deposited in the general fund and voluntary donations from conservation licenses pursuant to section 87-1-601, MCA, administered by the Department of Fish, Wildlife, and Parks, respectively, as appropriate; and

(f) centralize the administration of search and rescue funding; and

(2) review:

(a) all sources of funding for search and rescue available to jurisdictions and teams in the state; and

(b) any provisions of the Administrative Rules of Montana that may inhibit or otherwise affect funds allocated for the provision of funds to jurisdictions requesting reimbursement.

BE IT FURTHER RESOLVED, that the committee include input from county sheriffs, municipal police, tribal police, county fire departments, tribal fire departments, volunteer fire departments, emergency medical services, volunteer search and rescue personnel, the director or designee of the Disaster and Emergency Services Division of the Department of Military Affairs, the director or designee of the Department of Fish, Wildlife, and Parks, the director or designee of the Department of Justice, and the director or designee of the Montana Sheriffs and Peace Officers Association.

BE IT FURTHER RESOLVED, that the committee recognize the unique challenges search and rescue operations may face in Indian country and include input from the Missing and Murdered Indigenous Persons Task Force and tribal governments.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 29, 2025

HOUSE JOINT RESOLUTION NO. 61

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON THE PROPERTY INSURANCE MARKET IN MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the increasing costs of insurance are further exacerbating major housing affordability challenges in Montana for homeowners, landlords, and tenants; and

WHEREAS, high property insurance premiums hurt Montana businesses; and

WHEREAS, property insurance rates have been increasing significantly for all Montanans, regardless of where they live; and

WHEREAS, Montana had the fifth-fastest increase in rates in the nation in 2024, and Montana's cumulative increases in insurance rates from 2019 to 2024 were 44.3%; and

WHEREAS, from 2012 to 2022, the percentage increase in Montana's insurance premiums, as tracked by the National Association of Insurance Commissioners, has outpaced a national increase in rates, increasing twice as fast as the national average in 5 of those 10 years; and

WHEREAS, the coverage provided by insurers is simultaneously shrinking for homeowners and businesses despite the rapidly rising rates of property insurance; and

WHEREAS, Montana home values are rising unrelentingly, with the Montana Department of Revenue reporting that the median residential property value increased by 32% in 2023 alone and with the Montana Department of Labor reporting increases in home values of 5% to 25% each year compared to the preceding decade from 2012 to 2022; and

WHEREAS, the rising cost of insurance may lead to difficulties in obtaining mortgages as financial institutions become increasingly hesitant to approve loans in regions facing high insurance risks; and

WHEREAS, Montana has the second-highest risk in the nation for catastrophic wildfire impacts on property, and some insurers are withdrawing from high-risk areas, leaving homeowners to take on more risk or face higher premiums; and

WHEREAS, 7% of U.S. homeowners lack insurance, with higher rates in Montana than in many other states; and

WHEREAS, Montana's Indian and other minority populations, face disproportionately high risks from wildfires and may struggle to afford rising insurance premiums or recover from losses; and

WHEREAS, Montana experienced 2,388 wildfires in 2024, which burned 387,966 acres, and of the 11.7 million recorded acres burned in the past 138 years, 70% have burned since 2000 and roughly half of the acres burned prior to 2000 were in a single year, 1910, which demonstrates the increasing frequency and financial burden of wildfires in the state; and

WHEREAS, the number of homes in high wildfire risk areas in Montana has doubled since 1990, with development continuing at a rate of 450 homes a year, increasing the risk and cost of fire suppression; and

WHEREAS, the National Association of Insurance Commissioners reports that insurers have experienced losses in 4 of the past 5 years, with insurers in Montana reporting losses in 3 of the past 5 years, leading to higher premiums and reduced coverage; and

WHEREAS, according to the U.S. International Trade Commission, reinsurance costs had increased by as much as 50% at the January 2024 renewals, and it is challenging for some carriers to even find reinsurance.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to:

(1) evaluate the causes of Montana's increasing property insurance;

(2) determine the impact of these causes on rates; and

(3) analyze policy strategies that could stabilize the property insurance market and develop property insurance approaches for more accessible and affordable property insurance in the state.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 62

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WILDFIRE PREVENTION AND RESILIENCE; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, extreme hot, dry, and windy conditions are increasingly prevalent in Montana and throughout the Western United States; and

WHEREAS, the conditions in Montana can make fires more frequent, damaging, and expensive to control or suppress, even in areas of prior fuels treatment, which affects the safety of residents and firefighters, the economy, and the health of Montana's lands and waters; and

WHEREAS, Montana has the second-highest share of properties at risk in the Western United States, which contributes to insurance unaffordability and inaccessibility and exacerbates an existing housing affordability crisis in the state; and

WHEREAS, numerous studies have confirmed alarming statistics about Montana's unique and growing vulnerability to wildfire in the 21st century, such as that more than 70% of all recorded wildfires in Montana history have occurred since 2000, more than 90% of Montana's population is in counties with high wildfire risk, and over the past 20 years wildfires have destroyed more than 1,400 homes, businesses, and other structures in Montana; and

WHEREAS, Montana's existing policies and authorities to build for wildfire resilience are not broadly accessible and are not providing community-scale risk reduction; and

WHEREAS, Montana faces rapidly rising housing costs that could be exacerbated by catastrophic disasters, further damaging local economies and communities if additional strategies to reduce risk are not taken; and

WHEREAS, in the spirit of spurring comprehensive reform, the Legislature recognizes that additional proven policies and strategies to avoid community destruction from fire exist and merit deeper review for the benefit of all Montanans; and

WHEREAS, community-scale risk reduction in the form of defensible space around homes, widespread use of wildfire-resistant building materials, and thoughtful planning provide a necessary defense against exacerbating the hazards and risks of wildfires that enter the urban landscape; and

WHEREAS, thoughtful risk reduction is affordable, cost-effective and necessary in order to reduce the risk of wildfire damage to Montana

communities, help protect firefighters, and offer the potential to improve housing affordability by reducing insurance premiums; and

WHEREAS, far-sighted community planning has been shown to provide mutual benefits not only to the state's infrastructure but also to the unique outdoor values that Montanans cherish and rely on to support our local economies, our hunting and fishing traditions, and our time-honored way of life.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to examine:

(1) the scope of wildfire impacts on communities, including:

(a) the prevalence of wildfires' worsening impacts on population centers in the 21st century;

(b) the economic, social, and ecological costs of fires in the wildland-urban interface, including how rising costs impact community resilience; and

(c) the costs and benefits of postfire rehabilitation and recovery versus prefire home hardening and community resilience through planning;

(2) the role of wildfire-focused land use planning in supporting effective wildfire response, including:

(a) the role of building materials and nonvegetated buffers, also known as defensible space, in fire spread, speed, and intensity, both on an individual property and on a community-wide scale; and

(b) the benefits of maintaining open routes of ingress and egress, water availability, maintained open space buffers, and other innovative land management concepts to improve public safety and reduce the impacts of wildfire on property and communities;

(3) the current legal and policy framework regarding wildfire resilience in Montana, specifically:

(a) the barriers to widespread adoption of the state's existing laws and regulations; and

(b) the factors that reduce the efficacy of the existing framework;

(4) solutions that can alleviate risk in Montana, including examples of:

(a) how to incentivize action at the community level, including tax incentives, cost-share programs, grant programs, and other pathways to ease property owners' burden; and

(b) effective statewide regulation of building materials, development patterns, landscaping guidelines, and vegetation management in the wildland-urban interface, including:

(i) how the state can allow local jurisdictions to adopt more robust codes and standards than the state baseline that will allow high-hazard communities to protect homes, businesses, and their economies while not placing an onerous burden on lower-hazard communities;

(ii) the role of state agencies in effectively acting as liaisons and experts to municipal government in enacting and enforcing statewide wildfire resilience codes;

(iii) the development of hazard and risk maps that can inform property owners and local governments where areas of higher or lower hazard exist; and

(iv) solutions that effectively balance oversight and enforcement with on-the-ground conditions and flexibility for property owners.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

HOUSE JOINT RESOLUTION NO. 74

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY EXAMINING WATER REUSE; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Montana's water resources are of exceptional quality and are a valuable resource to the residents of the state; and

WHEREAS, water reuse, also known as water recycling, is a process in which wastewater is purified for a designated beneficial freshwater purpose; and

WHEREAS, the potential uses of recycled water include agricultural, industrial, and municipal purposes; and

WHEREAS, water reuse is a tool to promote sustainable and resilient water supplies and protect environmentally sensitive resources; and

WHEREAS, there may exist technical, regulatory, financial, and educational roadblocks preventing the implementation of water reuse programs in Montana; and

WHEREAS, individualizing levels of treatment for specific uses is more cost and energy efficient than a standardized treatment approach; and

WHEREAS, opportunities for water reuse may be underexplored in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA to:

(1) examine existing statutes and administrative rules related to water reuse;

(2) analyze existing reuse infrastructure, including the volume, timing, use, and availability of reused water;

(3) examine how other states have implemented water reuse in the public and private sectors;

(4) analyze what industries, except agriculture, and geographic areas in the state currently implement water reuse programs and what industries and geographic areas in the state may benefit from water reuse programs;

(5) determine what legal, economic, and social barriers exist for industries and communities attempting to implement water reuse programs;

(6) analyze what economic, environmental, and population factors necessitate the implementation of water reuse programs; and

(7) if necessary, propose legislation to incentivize and facilitate water reuse programs in the state.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

House Resolutions

HOUSE RESOLUTION NO. 1

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE HOUSE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following House Rules be adopted:

RULES OF THE MONTANA

HOUSE OF REPRESENTATIVES

CHAPTER 1

Administration

H10-10. House officers -- definitions. (1) House officers include a Speaker, a Speaker pro tempore, majority and minority leaders, and majority and minority whips.

(2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the House membership. A majority of each caucus voting nominates House members to the remaining offices, and those nominees are considered to have been elected by a majority vote of the House.

(3) (a) "Majority leader" means the leader of the majority party, elected by the caucus.

(b) "Majority party" means the party with the most members, subject to subsection (4).

(c) "Minority leader" means the leader of the minority party, elected by the caucus.

(d) "Minority party" means the party with the second most members, subject to subsection (4).

(4) If there are an equal number of members of the two parties with the most members, then the majority party is the party of the Speaker and the minority party is the other party with an equal number of members.

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, decorum, and the interpretation and enforcement of rules in all House deliberations.

(2) The Speaker shall see that all members conduct themselves in a civil manner in accordance with accepted standards of parliamentary conduct. The Speaker may, when necessary, order the Sergeant-at-Arms to clear the aisles and seat the members of the House so that business may be conducted in an orderly manner.

(3) Signs, placards, visual displays, or other objects of a similar nature are not permitted in the rooms, lobby, gallery, or on the floor of the House. The Speaker may order the galleries, lobbies, or hallway cleared in case of disturbance or disorderly conduct.

(4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals, and subpoenas.

(5) The Speaker shall arrange the agendas for second and third readings each legislative day. Representatives may amend the agendas as provided in H40-130.

(6) The Speaker is the chief officer of the House, with authority for all House employees.

(7) The Speaker may name any member to perform the duties of the chair. If the House is not in session and the Speaker pro tempore is not available, the Speaker shall name a member who shall call the House to order and preside during the Speaker's absence.

(8) Upon request of the Minority Leader, the Speaker will submit a request for a fiscal note on any bill.

H10-30. Speaker-elect. During the transition period between the party organization caucuses and the election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the House. Authority includes approving presession expenditures.

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall, in the absence or inability of the Speaker, call the House to order and perform all other duties of the chair in presiding over the deliberations of the House and shall perform other duties and exercise other responsibilities as may be assigned by the Speaker.

H10-50. Majority Leader. The primary functions of the majority leader usually relate to floor duties. The duties of the majority leader may include but are not limited to:

(1) being the lead speaker for the majority party during floor debates;

(2) helping the Speaker develop the calendar;

(3) assisting the Speaker with program development, policy formation, and policy decisions; and

(4) presiding over the majority caucus meetings; and

(5) other duties as assigned by the caucus.

H10-60. Majority Whip. The duties of the majority whip may include but are not limited to:

(1) assisting the majority leader;

(2) ensuring member attendance;

(3) counting votes;

(4) generally communicating the majority position; and

(5) other duties as assigned by the caucus.

H10-70. Minority Leader. The minority leader is the principal leader of the minority caucus. The duties of the minority leader may include but are not limited to:

(1) developing the minority position;

(2) negotiating with the majority party;

(3) directing minority caucus activities on the chamber floor;

(4) leading debate for the minority; and

(5) other duties as assigned by the caucus.

H10-80. Minority Whip. The major responsibilities for the minority whip may include but are not limited to:

(1) assisting the minority leader on the floor;

(2) counting votes;

(3) ensuring attendance of minority party members; and

(4) other duties as assigned by the caucus.

H10-90. Employees. (1) The Speaker shall appoint a Chief Clerk and Sergeant-at-Arms and may appoint a Chaplain, subject to confirmation of the House.

(2) The Speaker shall employ necessary staff or delegate that function to the employees designated in subsection (1).

(3) The secretary for a standing or select committee is generally responsible to the committee chair but shall work under the direction of the Chief Clerk.

(4) The Speaker and majority and minority leaders may each appoint an assistant.

H10-100. Chief Clerk's duties. The Chief Clerk, under the supervision of the Speaker, is the chief administrative officer of the House and is responsible to:

(1) supervise all House employees;

(2) have custody of all records and documents of the House;

(3) supervise the handling of legislation in the House, the House journal, and other House publications; deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect audio recording logs and exhibits from all House committees and subcommittees and provide them in an electronic format within a reasonable time after each meeting. An electronic copy will be provided to the Legislative Services Division.

H10-110. Duties of Sergeant-at-Arms. The Sergeant-at-Arms shall:

(1) under the direction of the Speaker and the Chief Clerk, have charge of and maintain order in the House, its lobbies, galleries, and hallways and all other rooms in the Capitol assigned for the use of the House;

(2) be present whenever the House is in session and at any other time as directed by the presiding officer;

(3) execute the commands of the House and serve the writs and processes issued by the authority of the House and directed by the Speaker;

(4) supervise assistants to the Sergeant-at-Arms, who shall aid in the performance of prescribed duties and who have the same authority, subject to the control of the Speaker;

(5) clear the floor and anteroom of the House of all persons not entitled to the privileges of the floor prior to the convening of each session of the House;

(6) bring in absent members when so directed under a call of the House;

(7) enforce the distribution of any printed matter in the House chambers and anteroom in accordance with H20-70;

(8) enforce parking regulations applicable to areas of the Capitol complex under the control of the House;

(9) supervise the doorkeeper; and

(10) supervise the pages.

H10-120. Legislative interns. (1) A legislative intern is a person specifically designated by a representative to assist that representative in performing legislative duties. A representative may sponsor one legislative intern a session by written notification to the Sergeant-at-Arms.

(2) No representative may designate a second legislative intern in the same session without the approval of the House Rules Committee.

(3) A legislative intern must be of legal age unless otherwise approved by the House Rules Committee.

(4) A legislative intern may not enter room 10 of the Capitol unless accompanied by the sponsoring representative.

(5) The Sergeant-at-Arms shall issue distinctive identification tags to legislative interns. The cost must be paid by the sponsoring representative.

H10-140. House journal. (1) The House shall keep a journal, which is the official record of House actions (Montana Constitution, Art. V, Sec. 10). The journal must be prepared under the direction of the Speaker.

(2) Records of the following proceedings must be entered on the journal:

(a) the taking and subscription of the constitutional oath by representatives (Montana Constitution, Art. III, Sec. 3);

(b) committee reports;

(c) messages from the Governor;

(d) messages from the Senate;

(e) every motion, the name of the representative presenting it, and its disposition;

(f) the introduction of legislation in the House;

(g) consideration of legislation subsequent to introduction;

(h) on final passage of legislation, the names of the representatives and their vote on the question (Montana Constitution, Art. V, Sec. 11);

(i) roll call votes; and

(j) upon a request by two representatives before a vote is taken, the names of the representatives and their votes on the question.

(3) The Chief Clerk shall provide to the Legislative Services Division such information as may be required for the publication of the daily journal.

(4) Any representative may examine the daily journal and propose corrections. The Speaker may direct a correction to be made when suggested subject to objection by the House.

(5) The Speaker shall authenticate the House journal after the close of the session.

(6) The Legislative Services Division shall publish and distribute the House journal (sections 5-11-202 and 5-11-203, MCA). The title of each bill must be listed in the index of the published session journal.

H10-150. Votes recorded and public. Every vote of each representative on each substantive question in the House, in any committee, or in Committee of the Whole must be recorded and made public (Montana Constitution, Art. V, Sec. 11).

H10-160. Duration of legislative day. A legislative day ends either 24 hours after the House convenes for that day or at the time the House convenes for the following legislative day, whichever is earlier. (See Joint Rule 10-20.)

CHAPTER 2

Decorum

H20-10. Addressing the House -- recognition. (1) When a member desires to speak to or address any matter to the House, the member should rise and respectfully address the Speaker or the presiding officer.

(2) The Speaker or presiding officer may ask, "For what purpose does the member rise?" or "For what purpose does the member seek recognition?" and may then decide if recognition is to be granted, except that the Speaker or presiding officer shall always recognize the Speaker pro tempore, the majority leader, or the minority leader.

H20-20. Questions of order and privilege -- appeal -- breach of decorum -- offenses -- restrictions -- definitions. (1) (a) The Speaker shall decide all questions of order and privilege and decisions of recognition, subject to an appeal by any representative, to the House for determination by majority vote. The question on appeal is, "Shall the decision of the chairman be sustained?".

(b) The Speaker shall preserve order and decorum of the House.

(c) A member may not indulge in personalities, impugn motives of members, use profane language, or threaten physical injury to a member in the House chamber.

(d) A member's conduct that violates subsection (1)(c) is grounds for discipline by the House and is considered a breach of decorum.

(2) (a) (i) A member engaging in a breach of decorum in violation of subsection (1)(c) may be called to order by the Speaker or the Speaker's designee.

(ii) If a question of order or privilege is raised during the Committee of the Whole, the presiding officer will stand at ease and the Speaker or the Speaker's designee will assume the chair to decide the question.

(iii) The minority leader may raise a question of order or privilege on decorum to the Speaker or the Speaker's designee.

(b) A member who is called to order by the Speaker or the Speaker's designee shall immediately cease all activity and be seated.

(c) The call to order of a member for a violation of subsection (1)(c) is subject to appeal by any representative to the House for determination by majority vote.

(d) (i) If the decision of the House is in favor of the member called to order, the member is permitted to proceed.

(ii) Subject to subsection (2)(d)(iii), if the decision of the House is not in favor of the member called to order, the member may not be permitted to proceed and is subject to the following:

(A) First offense: The member is issued a formal warning of the House to cease and desist the disorderly behavior.

(B) Second offense: The member may not be recognized in debate or remarks on the House floor for up to 3 consecutive legislative days beginning on the day on which the second offense is sustained.

(C) Third or subsequent offense: The member is not recognized or is expelled from the House floor for up to 6 consecutive legislative days beginning on the day on which the third or subsequent offense is sustained.

(iii) At the Speaker's discretion, the sequential order of offenses provided for in this subsection (2) may be reset after 1 month from the date of the latest offense.

(e) Nothing in this rule may be construed to:

(i) prohibit the offending member from voting on any measure before the House by participating remotely; or

(ii) preclude the House from taking additional measures to discipline a member, including censure or expulsion, regardless of the number of prior offenses, if any, committed by the offending member.

(3) Responses to parliamentary inquiries may not be appealed.

(4) (a) Questions of order and privilege, in order of precedence, are:

(i) those affecting the collective rights, safety, dignity, and integrity of the House; and

(ii) those affecting the rights, reputation, and conduct of individual representatives.

(b) (i) The Speaker shall resolve questions of order or privilege involving decorum by the next legislative day from the day that the question was raised.

(ii) If a question is not resolved pursuant to subsection (4)(b)(i), the question is moot and unenforceable.

(5) A member may not address the House on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question; or

(c) a motion to lay on the table is offered and the vote is taken on the motion.

(6) (a) "Indulge in personalities" means a member engaging in personal attacks about individuals.

(b) "Parliamentary inquiry" means a request for information regarding some procedure concerning some questions before the house.

(c) "Questions of order and privilege" means those questions as provided for in subsection (4) that enforce the House rules, maintain the order of the House, and protect the integrity, rights, and privileges of the House and its members.

H20-30. Limits on lobbying. Lobbying on the House floor and in the anteroom is prohibited during a daily session, 2 hours before the session, and 2 hours after the session. A registered lobbyist is prohibited from the house floor.

H20-40. Admittance to the House floor. (1) The following persons may be admitted to the House floor during a daily session: present legislators and former legislators who are not registered lobbyists; legislative employees necessary for the conduct of the session; registered media representatives; and members' spouses and children. The Speaker may allow exceptions to this rule.

(2) Only a member may sit in a member's chair when the House is in session.

H20-50. Dilatory motions or questions -- appeal. The House has a right to protect itself from dilatory motions or questions used for the purpose of delaying or obstructing business. The presiding officer shall decide if motions (except a call of the House) or questions are dilatory. This decision may be appealed to the House for a determination by majority vote.

H20-60. Lobbying by employees -- sanctions. (1) A legislative employee, aide, or intern of either house is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

(2) The Speaker may discipline or discharge any House employee violating this prohibition. The Speaker may withdraw the privileges of any House aide or intern for violating this prohibition.

(3) For the purposes of the House rules, "lobbying" means:

(a) the practice of promoting or opposing the introduction or enactment of legislation before the Legislature or legislators; and

(b) the practice of promoting or opposing official action of any legislator or the Legislature.

H20-70. Papers distributed on desks -- exception. A paper concerning proposed legislation may not be placed on representatives' desks unless it is authorized by a member and permission has been granted by the Speaker. The Sergeant-at-Arms shall direct its distribution. This restriction does not apply to material prepared by staff and placed on a representative's desk at the request of the representative.

H20-80. Violation of rules -- procedure -- appeal. (1) If a member, in speaking or otherwise, violates the rules of the House, the Speaker shall, or the majority or minority leader may, call the member to order, in which case the member called to order must be seated immediately.

(2) The member called to order may move for an appeal to the House. The matter must be submitted to the House for determination by majority vote. The motion is nondebatable.

(3) If the decision of the House is in favor of the member called to order, the member may proceed. If the decision is against the member, the member may not proceed.

(4) If a member is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the House that the member be censured or be subject to other action. Censure consists of an official public reprimand of a member for inappropriate behavior. The House shall act upon the recommendation of the Committee.

CHAPTER 3

Committees

H30-05. Interim committee appointments. (1) The Speaker shall, subject to the approval of the House by a majority vote, appoint the membership of interim committees no later than April 1 during a regular session of the legislature.

(2) A change by the Speaker of an interim committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(3) (a) As provided in subsection (3)(b), the House may change the membership of any interim committee by a three-fifths vote of the members present and voting on 3 legislative days' notice.

(b) A member under Order of Business No. 9 may move that specified changes be made to the membership of any interim committee, with the vote 3 legislative days from the day the motion was made.

H30-10. House standing committees -- appointments -- classification. (1) (a) (i) The Speaker shall determine the total number of members and after good faith consultation with the minority leader shall, with the approval of the House by a majority vote, appoint the chairs, vice chairs, and members to the standing committees.

(ii) A change by the Speaker of a standing committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(b) The minority leader shall designate a minority vice chair for each standing committee.

(2) The standing committees of the House are as follows:

(a) class one committees:

(i) Appropriations;

(ii) Business and Labor;

(iii) Human Services;

(iv) Judiciary;

(v) State Administration; and

(vi) Taxation;

(b) class two committees:

(i) Education;

(ii) Energy, Technology, and Federal Relations;

(iii) Natural Resources; and

(iv) Transportation;

(c) class three committees:

(i) Agriculture;

(ii) Fish, Wildlife, and Parks; and

(iii) Local Government; and

(d) on call committees:

(i) Ethics;

(ii) Rules; and

(iii) Legislative Administration.

(3) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

(4) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the presession caucus.

(5) There will be six subcommittees of the Committee on Appropriations, Education, General Government, Health and Human Services, Natural Resources and Transportation, Judicial Branch, Law Enforcement, and Justice, and Long-Range Planning. Each member serving on the Appropriations Committee must be appointed to at least one of the subcommittees.

(6) The Speaker shall give notice of each appointment to the Chief Clerk for publication.

(7) (a) The Speaker may, in the Speaker's discretion or as authorized by the House, create and appoint select committees, designating the chairman and vice chairman of the select committee with the approval of the House by a majority vote. Select committees may request or receive legislation in the same manner as a standing committee and are subject to the rules of standing committees.

(b) If a bill is heard in a select committee, it must be referred to a standing committee. The select committee shall report findings to the standing committee. The standing committee is not required to hold an additional hearing but shall take executive action and may report the bill to the committee of the whole.

(c) A change by the Speaker of select committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(8) (a) The Speaker shall appoint all conference, select, and special committees with the advice of the majority leader and minority leader and with the approval of the House by a majority vote.

(b) A change by the Speaker of a conference, select, or special committee appointment or the filling of a vacancy may be approved by the House by a majority vote.

(9) (a) (i) Except as provided in subsection (9)(b), the House may change the membership of any committee by a three-fifths vote of the members present and voting on 3 legislative days' notice as provided in subsection (9)(a)(ii).

(ii) A member under Order of Business No. 9 may move that specified changes be made to the membership of any committee, with the vote 3 legislative days from the day the motion was made.

(b) (i) The House may change the membership of a conference committee by a three-fifths vote of the members present and voting on 2 legislative days' notice as provided in subsection (9)(b)(ii).

(ii) A member under Order of Business No. 9 may move that specified changes be made to the membership of any committee, with the vote 2 legislative days from the day the motion was made.

(10) (a) Except as provided for in subsection (10)(b), a standing, conference, select, or special committee may not report a bill or action out of the committee prior to the approval of the committee membership by the House in accordance with this section.

(b) The House Appropriations standing committee may report a bill or action out of committee prior to the approval of the committee membership by the House in accordance with this section.

H30-20. Chairman's duties. (1) The principal duties of the chairman of standing or select committees are to:

(a) preside over meetings of the committee and to put all questions;

(b) except as provided in H30-40(3)(b) and H30-50(3)(b), schedule all bills assigned to committee for a hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200;

(c) maintain order and decide all questions of order subject to appeal to the committee;

(d) supervise and direct staff of the committee;

(e) have the committee secretary keep the audio recording log;

(f) sign reports of the committee and submit them promptly to the Chief Clerk;

(g) appoint subcommittees to perform on a formal or an informal basis as provided in subsection (2);

(h) inform the Speaker of committee activity; and

(i) enforce fire code occupancy requirements.

(2) With the exception of the House Appropriations subcommittees, a subcommittee of a standing committee may be appointed by the chairman of the committee. The chairman of the standing committee shall appoint the chairman of the subcommittee.

H30-30. Quorum -- officers as members. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) The Speaker, the majority leader, and the minority leader are ex officio, nonvoting members of all House committees. They may count toward establishing a quorum.

H30-40. Meetings -- purpose -- notice -- audio recording log. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chairman to maintain safety, order, and decorum. The date, time, and place of committee meetings must be posted.

(2) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;

(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or

(c) a meeting at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(3) (a) All committees meet at the call of the chairman or upon the request of a majority of the members of the committee.

(b) A committee, through motion, may schedule a bill within the possession of the committee for a hearing prior to 3 legislative days before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200.

(4) All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days' notice to members of committees and the general public. However, a meeting may be held upon notice appropriate to the circumstances.

(5) A committee may not meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting must be considered excused to attend business of the House subject to a call of the House.

(6) All meetings of committees must be recorded and the audio recording logs must be available to the public within a reasonable time after the meeting. The official record of the committee meeting is the audio recording of the meeting, and the audio recording log must contain at least the following information:

(a) the time and place of each meeting of the committee;

(b) committee members present, excused, or absent;

(c) the names of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;

(d) all motions and their disposition;

(e) the results of all votes;

(f) references to the audio recording, sufficient to serve as an index to the original recording and official record; and

(g) testimony and exhibits submitted in writing.

H30-50. Procedures -- absentee or proxy voting -- member privileges. (1) The chairman shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not take up referred legislation unless the sponsor or one of the cosponsors is present or unless the sponsor has given written consent. The chairman shall attempt to not schedule Senate bills while the Senate is in session.

(3) (a) Subject to H30-60 and subsection (3)(b), the committee shall act on each bill in its possession and that has had a hearing prior to the last legislative day before the applicable transmittal deadline for the bill as provided in Joint Rule 40-200:

(i) by reporting the bill out of the committee:

(A) with the recommendation that it be referred to another committee;

(B) favorably as to passage; or

(C) unfavorably; or

(ii) by tabling the measure in committee.

(b) Except as provided in subsection (3)(c), at the written request of the sponsor made at least 48 hours prior to a scheduled hearing, a bill may be withdrawn by the sponsor without a hearing. A bill may not be reported from a committee without a hearing.

(c) A bill may not be withdrawn by the sponsor after a hearing.

(4) The committee may not report a bill to the House without recommendation.

(5) The committee may recommend that a bill on which it has made a favorable recommendation by unanimous vote be placed on the consent calendar. A tie vote in a standing committee on the question of a recommendation to the whole House on a matter before the committee, for example on a question of whether a bill is recommended as "do pass" or "do not pass", does not result in the matter passing out to the whole House for consideration without recommendation.

(6) In reporting a measure out of committee, a committee shall include in its report:

(a) the measure in the form reported out;

(b) the recommendation of the committee;

(c) an identification of all substantive changes; and

(d) a fiscal note, if required and available.

(7) If a measure is withdrawn from a committee and brought to the House floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee because committee amendments are merely recommendations to the House that are formally adopted when the committee report is accepted by the House.

(8) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

(9) The vote of each member on all committee actions must be recorded. All motions may be adopted only on the affirmative vote of a majority of the members voting. Standing and select committees may by a majority vote of the committee authorize members to vote by proxy if absent, while engaged in other legislative business or when excused by the presiding officer of the committee due to illness or an emergency. Authorization for absentee or proxy voting must be reflected in the committee audio recording log.

(10) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members present at any meeting of the committee.

(11) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

(12) A committee may reconsider any action as long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

(13) (a) Except as provided in subsection (13)(b), legislation requested by a committee requires three-fourths of all members of the committee to vote in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be taken jointly or separately.

(b) The House Appropriations committee may request the drafting and introduction of legislation by a majority vote of all of the members of the committee.

(14) The chairman shall decide points of order.

(15) The privileges of committee members include the following:

(a) to participate freely in committee discussions and debate;

(b) to offer motions;

(c) to assert points of order and privilege;

(d) to question witnesses upon recognition by the chairman;

(e) to offer any amendment to any bill; and

(f) to vote, either by being present or by proxy if authorized pursuant to subsection (9), using a standard form or through the vice chairman or minority vice chairman.

(16) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the House Rules.

(17) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

(18) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the House are applicable except as stated in the House Rules.

H30-60. Public testimony -- decorum -- time restrictions. (1) Subject to Joint Rule 30-05, remote or in-person testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall register on the committee witness list.

(2) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing. Written testimony may not be required of any witness, but all witnesses must be encouraged to submit a statement in writing for the committee's official record.

(3) The chairman may order the committee room cleared of visitors if there is disorderly conduct. During committee meetings, visitors may not speak unless called upon by the chairman. Restrictions on time available for testimony may be announced.

(4) The number of people in a committee room may not exceed the maximum posted by the State Fire Marshal. The chairman shall maintain that limit.

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chairman may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is allowed only at the discretion of the chairman.

H30-70. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the chair after the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a determination pursuant to subsection (4). The Rules Committee may be convened to consider the referral of a matter to the Ethics Committee upon the request of a representative. The Rules Committee shall prepare a written statement of the specific question or issue to be addressed by the Ethics Committee. Except for a referral from the Legislative Conduct Panel, the issues referred to the Ethics Committee must be related to the actions of a representative.

(2) The matters that may be referred to the Ethics Committee are:

(a) a violation of:

(i) 2-2-103, MCA;

(ii) 2-2-104, MCA;

(iii) 2-2-111, MCA;

(iv) 2-2-112, MCA; or

(v) Joint Rule 10-85:

(b) the use or threatened use of a representative's position for personal or personal business benefit or advantage; or

(c) any other violation of law by a representative while acting in the capacity of Representative.

(3) If there is a recommendation from the Ethics Committee, the recommendation is made to the House.

(4) A representative may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest.

CHAPTER 4

Legislation

H40-10. Introduction deadlines. If a representative accepts drafted legislation from the Legislative Services Division after the deadline for preintroduction, the representative may not introduce that legislation after 2 legislative days from the time the bill was accepted from the Legislative Services Division.

H40-20. House resolutions. (1) A House resolution is used to adopt or amend House rules, make recommendations on the districting and apportionment plan (Montana Constitution, Art. V, Sec. 14), express the sentiment of the House, or assist House operations.

(2) As to drafting, introduction, and referral, a House resolution is treated as a bill. A House resolution may be requested and introduced at any time. Final passage of a House resolution is determined by the Committee of the Whole report. A House resolution does not progress to third reading.

(3) The Chief Clerk shall transmit a copy of each passed House resolution to the Senate and the Secretary of State.

H40-30. Cosponsors. (1) Within 2 days from the date that the chief sponsor signs and accepts legislation from the Legislative Services Division and prior to submitting legislation to the Chief Clerk for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(2) After legislation is submitted for introduction but before the legislation returns from the first House committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Chief Clerk. This filing must be noted by the Chief Clerk for the record on Order of Business No. 10.

H40-40. Introduction -- receipt -- messages from Senate and elected officials. (1) During a session, proposed House legislation may be introduced

in the House by submitting it, endorsed with the signature of a representative as chief sponsor, to the Chief Clerk for introduction. Except for the first 15 bill numbers that may be reserved for preintroduced legislation, in each session of the Legislature, the proposed legislation must be numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed legislation constitutes introduction.

(2) Preintroduction of legislation prior to a session under provisions of the joint rules constitutes introduction in the House.

(3) Acknowledgment by the Chief Clerk of receipt of legislation or other matters transmitted from the Senate for consideration by the House constitutes introduction of the Senate legislation in the House or receipt by the House for purposes of applying time limits contained in the House rules. All legislation may be referred to a committee prior to being read across the rostrum as provided in H40-50.

(4) Acknowledgment by the Chief Clerk of receipt of messages from the Senate or other elected officials constitutes receipt by the House for purposes of any applicable time limit. Senate legislation or messages received from the Senate or elected officials are subject to all other rules.

H40-50. First reading -- receipt of Senate legislation. Legislation properly introduced or received in the House must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a representative may question adherence to rules. Acknowledgment by the Chief Clerk of receipt of legislation transmitted from the Senate commences the time limit for consideration of the legislation. All legislation received by the House may be referred to a committee prior to being read across the rostrum.

H40-60. One reading per day -- exception. Except on the final legislative day, legislation may receive no more than one reading per legislative day. On the final legislative day, legislation may receive more than one reading.

H40-70. Referral. (1) The Speaker shall refer to a House committee, joint select committee, or joint special committee all properly introduced House legislation and transmitted Senate legislation in conformity with the House Rules Appendix and within 2 legislative days of introduction or transmission.

(2) Legislation may not receive final passage and approval unless it has been referred to a House committee, joint select committee, or joint special committee.

H40-80. Rereferral -- Appropriations Committee rereferral -- normal progression. (1) Legislation that is in the possession of the House and that has not had a House hearing in the currently assigned House committee may be rereferred to a House committee in accordance with the House Rules Appendix, by House motion approved by a majority of the members present and voting.

(2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that has passed second reading in the Committee of the Whole and that has been rereferred to the Appropriations Committee and is reported from committee without amendments may be placed on third reading.

(b) Prior to being placed on third reading, legislation rereferred must be sent to be processed and reproduced as a third reading version and specifically marked as having been passed on second reading and rereferred to the House Appropriations Committee and reported from the committee without amendments.

(3) (a) The normal progress of legislation through the House consists of the following steps in the order listed: introduction; referral to a standing or select committee; a report from the committee; second reading; and third reading.

(b) A motion to remove legislation from its normal progress through the House as provided in subsection (3)(a) by House motion must be approved by no fewer than 55 of the members present and voting.

H40-90. Legislation withdrawn from committee. Legislation may be withdrawn from a House committee after a committee hearing on the legislation by House motion approved by no fewer than 55 of the members present and voting.

H40-100. Standing committee reports -- requirement for rejection of adverse committee report. (1) A House standing committee recommendation of "do pass" or "be concurred in" must be announced across the rostrum and, if there is no objection to form, is considered adopted.

(2) A recommendation of "do not pass" or "be not concurred in" must be announced across the rostrum and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A motion to reject an adverse committee report must be approved by a majority of the members voting. Failure to adopt a motion to reject an adverse committee report constitutes adoption of the report.

(3) If the House rejects an adverse committee report, the bill progresses to second reading, as scheduled by the Speaker, with any amendments recommended by the committee.

H40-110. Consent calendar procedure. (1) Noncontroversial bills and simple and joint resolutions may be recommended for the consent calendar by a standing committee and processed according to the following provisions:

(a) To be eligible for the consent calendar, the legislation must receive a unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must be made and passed unanimously to place the legislation on the consent calendar and this action reflected in the committee report. Appropriation or revenue bills may not be recommended for the consent calendar.

(b) The legislation must then be sent to be processed and reproduced as a third reading version and specifically marked as a "consent calendar" item.

(2) Other legislation may be placed on the consent calendar by agreement between the Speaker and the minority leader following a positive recommendation by a standing committee. The legislation must be sent to be processed as a second reading version but must be specifically announced and posted as a "consent calendar" item.

(3) Legislation must be posted immediately (as soon as it is received appropriately printed) on the consent calendar and must remain there for 1 legislative day before consideration under Order of Business No. 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent calendar and allow "reasonable time" for questions and answers upon request. No debate is allowed.

(4) If any one representative submits a written objection to the placement of legislation on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.

(5) Consent calendar legislation will be considered on Order of Business No. 8, third reading of bills, following the regular third reading agenda, as separately noted on the agenda.

(6) Legislation on the consent calendar must be considered individually with the roll call vote spread on the journal as the final vote in the House.

(7) Legislation passed on the consent calendar must then be transmitted to the Senate. Legislation must be appropriately printed prior to transmittal.

H40-120. Legislation requiring other than a majority vote. Legislation that requires other than a majority vote for final passage needs only a majority vote for any action that is taken prior to third reading and that normally requires a majority vote.

H40-130. Amending House second and third reading agendas -- vote requirements. (1) A majority of representatives present may rearrange or remove legislation from either the second or third reading agenda on that legislative day.

(2) (a) Legislation reported out of committee may be added to the second reading agenda on that legislative day on a motion approved by a majority of the members present and voting.

(b) Legislation reported out of the Committee of the Whole may be added to the third reading agenda on 1 day's notice on a motion approved by a majority of the members present and voting.

H40-140. Second reading -- timing -- obverse vote on failed motion -- status of amendments -- rejection of report -- segregation. (1) Legislation returned or withdrawn from committee by motion must be placed on second reading prior to the transmittal deadlines provided for in Joint Rule 40-200 that are applicable to each piece of legislation.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

(3) Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is reported from committee and the time it is considered on second reading.

(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, and must be acted on by the Committee of the Whole by the next legislative day unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise. Amendments adopted by the Committee of the Whole on segregated legislation remain adopted unless reconsidered pursuant to H50-170 or unless the legislation is rereferred to a committee.

H40-150. Amendments in the Committee of the Whole -- timing -- official records. (1) All Committee of the Whole amendments must be prepared by the Legislative Services Division and checked by the House amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most recent Bill Drafting Manual published by the Legislative Services Division, before the amendment may be accepted

at the rostrum. The amendment form must include the date and time the amendment is submitted for that check.

(2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be marked as checked by the amendments coordinator and signed by a representative. Unless the majority leader, the minority leader, and sponsor agree, amendments must be printed and placed on the members' desks or electronically posted or sent to the members prior to consideration.

(3) An amendment may not be proposed until the sponsor has opened on a bill.

(4) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the official records.

(5) An amendment may not change the original purpose of the bill.

H40-160. Motions in the Committee of the Whole -- quorum required. (1) When the House resolves itself into a Committee of the Whole, the only motions in order are to:

(a) recommend passage or nonpassage;

(b) recommend concurrence or nonconcurrence (Senate amendments to House legislation);

(c) amend;

(d) reconsider as provided in H50-170;

(e) pass consideration;

(f) call for cloture;

(g) change the order in which legislation is placed on the agenda; and

(h) rise, rise and report, or rise and report progress and beg leave to sit again.

(2) Subsections (1)(d) through (1)(f) and (1)(h) are nondebatable but may be amended. Once a motion under subsection (1)(a) or (1)(b) is made, a contrary motion is not in order.

(3) The motions listed in subsection (1) may be made in descending order as listed.

(4) If a quorum of representatives is not present during second reading, the Committee of the Whole may not conduct business on legislation and a motion for a call of the House without a quorum is in order.

H40-170. Limits on debate in the Committee of the Whole. (1) Except as provided in H40-180, a representative may not speak more than once on the motion and may speak for no more than 5 minutes. The representative who makes the motion may speak a second time for 5 minutes in order to close.

(2) (a) Except as provided in subsection (2)(b), after at least two proponents and two opponents have spoken on a question and 30 minutes have elapsed from the point in time that the sponsor's opening remarks on the motion end and debate on the motion begins, a motion to call for cloture is in order.

(b) (i) The 30-minute tolling requirement for a cloture motion made pursuant to subsection (2)(a) does not include time spent on floor debate of a substitute motion to amend the original question.

(ii) Each substitute motion to amend the original question is subject to a cloture motion and the cloture requirements provided for in this rule.

(iii) Once a substitute motion to amend is dispensed with and there are no other substitute motions to amend, the 30-minute tolling requirement for the original question pursuant to subsection (2)(a) resumes from the point in time in which the first substitute motion to amend was made.

(c) Approval by not less than two-thirds of the members present and voting is required to sustain a motion for cloture. Notwithstanding the passage of a

motion to end debate, the sponsor of the motion on which debate was ended may close.

(3) By previous agreement of the majority leader and the minority leader:

(a) a lead proponent and a lead opponent may be granted additional time to speak on a bill;

(b) a bill or resolution may be allocated a predetermined amount of time for debate and number of speakers.

(4) A representative, when speaking in the Committee of the Whole, shall keep the representative's discussion to the bill and avoid discussion of topics unrelated to the bill.

H40-180. Special provisions for debate on the general appropriations bill -- sections -- amendments. (1) The Appropriations Committee chairman, in presenting the bill, is not subject to the 5-minute speaking limitation.

(2) Each appropriations subcommittee chairman shall fully present the chairman's portion of the bill. A subcommittee chairman is not subject to the 5-minute speaking limitation.

(3) After the presentation by the subcommittee chairman, the respective section of the bill is open for debate, questions, and amendments. A proposed amendment to the general appropriations act may not be divided.

(4) An amendment that affects more than one section of the bill must be offered when the first section affected is considered.

(5) Following completion of the debate on each section, that section is closed and may not be reopened except by majority vote.

(6) If a member moves to reopen a section for amendment, only the amendment of that member may be entertained. Another member wishing to amend the same section shall make a separate motion to reopen the section.

(7) Debate on the motion to reopen a section is limited to the question of reopening the section. The amendment itself may not be debated at that time. This limitation does not prohibit the member from explaining the amendment to be considered.

H40-190. Engrossing. (1) After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant an additional 24 hours for engrossing.

(2) When the legislation that has passed second reading, as amended, has been correctly engrossed, it must be placed on third reading on the following legislative day. If the bill is not amended, the bill must be sent to printing and must be placed on third reading on the legislative day after receipt. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day. For the purposes of this rule, "engrossing" means placing amendments in a bill. (See Joint Rule 40-150.)

H40-200. Third reading. (1) All bills, joint resolutions, and Senate amendments to House bills and joint resolutions passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

H40-210. Senate legislation in the House. Senate legislation properly transmitted to the House must be treated as House legislation.

H40-220. Senate amendments to House legislation. (1) When the Senate has properly returned House legislation with Senate amendments, the House shall announce the amendments on Order of Business No. 4, and the Speaker shall place them on second reading for debate. The Speaker may, with

the approval of the House, rerefer House legislation with Senate amendments to a committee for a hearing if the Senate amendments constitute a significant change in the House legislation. The second reading vote is limited to consideration of the Senate amendments.

(2) If the House accepts Senate amendments, the House shall place the final form of the legislation on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

(3) If the House rejects the Senate amendments, the House may request the Senate to recede from its amendments or may direct appointment of a conference committee and request the Senate to appoint a like committee.

H40-230. Conference committee reports. (1) When a House conference committee files a report, the report must be announced under Order of Business No. 3.

(2) The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration, H50-170.

(3) If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(4) If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report.

(5) A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

H40-240. Enrolling. (1) When House legislation has passed both houses, it must be enrolled within 48 hours under the direction of the Speaker. The Speaker may grant an additional 24 hours for enrolling.

(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation within 1 day of receipt of the correctly enrolled legislation unless the bill sponsor concurs to delay the signing of the enrolled legislation.

(4) After the legislation has been reported correctly enrolled but before it is signed, any representative may examine the legislation. (See Joint Rule 40-160.)

H40-250. Governor's amendments. (1) (a) When the Governor returns a bill with recommended amendments, the House shall announce the amendments under Order of Business No. 5.

(b) The Governor's amendments must be placed on the second reading agenda for consideration by the Committee of the Whole or may be assigned to a committee in accordance with the House Rules Appendix for a recommendation of adoption or rejection of the Governor's amendments.

(2) The House may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the House and the Senate accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the House shall place the final form of the legislation on third reading to determine if the required vote is obtained.

H40-260. Governor's veto. (1) When the Governor returns a bill with a veto, the House shall announce the veto under Order of Business No. 5.

(2) On any legislative day, a representative may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

CHAPTER 5

Floor Actions

H50-10. Attendance -- excuse -- call of the House. (1) A representative, unless excused, is required to be present at every sitting of the House.

(2) A representative may request in writing to be excused for a specified cause by the representative's party leader. This excused absence is not a leave with cause from a call of the House.

H50-20. Quorum. (1) A quorum of the House is fifty-one representatives (Montana Constitution, Art. V, Sec. 10).

(2) Any representative may question the lack of a quorum at any time a vote is not being taken. The question is nondebatable, may not be amended, and is resolved by a roll call.

(3) The House may not conduct business without a quorum, except that representatives present may convene, compel the attendance of absent representatives, or adjourn.

H50-30. Call of the House without a quorum. (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.

(2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by a successful motion to adjourn for the day or by two-thirds of the representatives present and voting.

H50-50. Leave with cause during call of the House. (1) During a call of the House, a representative with an overriding medical or personal reason may request a leave with cause.

(2) If the representative is present at the time of the call, the Speaker, with the approval of a majority of representatives present, may approve a request for a leave with cause.

(3) If the representative is not present at the time of the call, two-thirds of the representatives present and voting may approve a request for leave with cause.

(4) During a call of the House, a representative on leave with cause may not cast an absentee vote.

H50-60. Opening and order of business. The opening of each legislative day must include an invocation, the pledge of allegiance, and roll call. Following the opening, the order of business of the House is as follows:

(1) communications and petitions;
(2) reports of standing committees;
(3) reports of select committees;
(4) messages from the Senate;
(5) messages from the Governor;
(6) first reading and commitment of bills;
(7) second reading of bills;
(8) third reading of bills;
(9) motions;

(10) unfinished business;

(11) special orders of the day; and

(12) announcement of committee meetings.

H50-65. Request to move to any order of business. (1) Except as provided in subsection (2), the Speaker pro tempore, the majority leader, or the minority leader may request that the House move to any order of business at any time.

(2) If the House has resolved itself into the Committee of the Whole under Order of Business No. 7, a representative may not request that the House move to any order of business.

H50-70. Motions. (1) Any representative may propose a motion allowed by the rules for the order of business under which the motion is offered for the consideration of the House. Unless otherwise specified in rule or law, a majority of representatives voting is necessary and sufficient to decide a motion.

(2) Seconds to motions on the House floor are not required.

(3) Absentee votes are not allowed on votes that are specified as "representatives present and voting".

(4) The majority leader shall make routine procedural motions required to conduct the business of the House.

H50-80. Limits on debate of debatable motions. (1) Except for the representative who places a debatable motion before the body, no representative may speak more than once on the question unless a unanimous House consents. The representative who places the motion may close.

(2) No representative may speak for more than 10 minutes on the same question, except that a representative may have 5 minutes to close.

H50-90. Nondebatable motions. (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

(2) The following motions are nondebatable:

(a) for a call of the House;

(b) to recess or rise;

(c) for parliamentary inquiry;

(d) to table or take from the table;

(e) to call for the previous question or cloture;

(f) to amend a nondebatable motion;

(g) to divide a question;

(h) to suspend the rules;

(i) all incidental motions, such as motions relating to voting or of a general procedural nature;

(j) to appeal a call to order;

(k) to question the lack of a quorum pursuant to H50-20; and

(l) to change a vote pursuant to H50-210.

H50-100. Questions. A representative may, through the presiding officer, ask questions of another representative during a floor session. There is no limit on questions and answers, except as provided in H20-50.

H50-110. Amending motions -- limitations. (1) A representative may move to amend the specific provisions of a motion without changing its substance.

(2) No more than one motion to amend a motion is in order at any one time.

(3) A motion for a call of the House, for the previous question, to table, or to take from the table may not be amended.

H50-120. Substitute motions. (1) When a question is before the House, no substitute motion may be made except the following, which have precedence in the order listed:

(a) to adjourn (nondebatable H50-90);
(b) for a call of the House (nondebatable H50-90);
(c) to recess or rise (nondebatable H50-90);
(d) for a question of privilege;
(e) to table (nondebatable H50-90);
(f) to call for the previous question or cloture;
(g) to postpone consideration to a day certain;
(h) to refer to a committee; and
(i) to propose amendments.

(2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order of business.

(3) (a) Except as provided in subsection (3)(b), no more than one substitute motion is in order at any one time.

(b) A motion for cloture is in order on a substitute motion to amend.

H50-130. Withdrawing motions. A representative who proposes a motion may withdraw it before it is voted on or amended.

H50-140. Dividing a question. Except as provided in H40-180(3), a representative may request to divide a question as a matter of right if it includes two or more propositions so distinct that they can be separated and if at least one substantive question remains after one substantive question is removed. The request is nondebatable under H50-90. The presiding officer may rule that a question is nondivisible. The ruling of the chair may be appealed as provided in H20-20(1), H20-80(2), H50-160(13), and H70-50. For an appeal of a ruling of the presiding officer, the question for the house must be stated as, "Shall the ruling of the chair be upheld?".

H50-150. Previous question -- close. (1) If a majority of representatives present and voting adopts a motion for the previous question, debate is closed on the question and it must be brought to a vote. The Speaker may not entertain a motion to end debate unless at least one proponent and one opponent have spoken on the question.

(2) Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

H50-160. Questions requiring other than a majority vote. The following questions require the vote specified for each condition:

100 House Members

(1) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds);

(2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths);

(3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of the Montana Constitution, for purposes other than therein described (three-fifths);

(4) a motion to approve a bill to authorize creation of state debt pursuant to Article VIII, section 8, of the Montana Constitution (two-thirds);

(5) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths);

(6) a motion to temporarily suspend a joint rule governing the procedure for handling bills pursuant to Joint Rule 60-10(2) (two-thirds).

Members Present and Voting

(1) a motion to override the Governor's veto pursuant to H40-260 and Article VI, section 10(3), of the Montana Constitution (two-thirds);

(2) a motion to lift a call of the House pursuant to H50-30(3) (two-thirds);

(3) a motion to withdraw a bill from a committee after a committee hearing on the bill pursuant to H40-90 approved by no fewer than 55 of the members;

(4) a motion to remove legislation from its normal progress through the House as provided under H40-80(3) and reassign it unless otherwise specifically provided by these rules (three-fifths);

(5) a motion to change a vote pursuant to H50-210 (unanimous);

(6) a motion to call for cloture pursuant to H40-170(2) (two-thirds);

(7) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);

(8) a motion to amend rules pursuant to H70-10(2) or suspend rules pursuant to H70-30 (two-thirds);

(9) a motion to record a vote pursuant to H50-200(2) (one representative);

(10) a motion to record a vote in the journal (two representatives);

(11) a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous vote);

(12) a motion by the House to change the membership of a committee pursuant to H30-05(3) and H30-10(9) approved by three-fifths of the members;

(13) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee pursuant to H70-50 (15 representatives).

Entire Legislature

(1) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature).

H50-170. Reconsideration -- time restriction. (1) Any representative may, within 1 legislative day of a vote, move to reconsider the House vote on any matter still within the control of the House.

(2) A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to reconsider is limited to two proponents and two opponents to the motion and the debate may not address the substance of the matter for which reconsideration is sought. However, an inquiry may be made concerning the purpose of the motion to reconsider.

(3) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of when made.

(4) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration may not be renewed or reconsidered.

(5) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the same rules.

(6) A motion for reconsideration is not in order on a vote to postpone to a day certain or to table legislation.

(7) There may be only one reconsideration vote on a specific issue on a legislative day.

H50-180. Renewing procedural motions. The House may renew a procedural motion if further House business has intervened.

H50-190. Tabling. (1) Under Order of Business No. 9, a representative may move to table any question, motion, or legislation before the House except the question of a quorum or a call of the House. The motion is nondebatable and may not be amended.

(2) When a matter has been tabled, a representative may move to take it from the table under Order of Business No. 9 on any legislative day.

H50-200. Voting -- conflict of interest -- present by electronic means. (1) The representatives shall vote to decide any motion or question properly before the House. Each representative has one vote.

(2) The House may, without objection, use a voice vote on procedural motions that are not required to be recorded in the journal. If a representative rises and objects, the House shall record the vote.

(3) The House shall record the vote on all substantive questions. If the voting system is inoperable, the Chief Clerk shall record the representatives' votes by other means.

(4) A member who is present shall vote unless the member has disclosed a conflict of interest to the House.

(5) A member may be present for a vote by electronic means, with the permission of the speaker.

H50-210. Changing a vote -- consent required. (1) A representative may move to change the representative's vote within 1 legislative day of the vote. The motion is nondebatable. The motion must be made on Order of Business No. 9, motions. All of the members present and voting are required to consent to the change in order for it to be effective.

(2) The representative making the motion shall first specify the bill number, the question, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation.

(3) A vote change must be entered into the journal as a notation that the member's vote was changed. The original printed vote will not be reprinted to reflect the change.

(4) An error caused by a malfunction of the voting system may be corrected without a vote.

H50-220. Absentee votes -- restrictions. (1) An excused representative may file an absentee vote authorization form to vote during the excused absence on any vote for which absentee voting is allowed.

(2) An excused representative shall sign an absentee vote authorization form that specifies the motion and the desired vote.

(3) The absentee vote authorization form must be handed in at the rostrum by the party whip or designated representative before voting on the motion has commenced.

(4) The absentee vote authorization may be revoked before the vote by the member who signed the authorization.

(5) Absentee voting is not allowed on third reading or on motions specified as present and voting pursuant to H50-70.

H50-230. Recess. The House may stand at ease or recess under any order of business by order of the Speaker or a majority vote. The recess may be ended at the call of the chair or at a time specified.

H50-240. Adjournment for a legislative day. (1) A representative may move that the House adjourn for that legislative day. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

(2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on the subsequent legislative day.

H50-250. Adjournment sine die. Subject to Article V, section 10(5), of the Montana Constitution, a representative may move that the House adjourn for the session. The motion is debatable and may be made under any order of business except Order of Business No. 7.

CHAPTER 6

Motions

H60-10. Proposal for consideration. (1) Every question presented to the House or a committee must be submitted as a definite proposition.

(2) A representative has the right to understand any question before the House and, under the authority of the presiding officer, may ask questions to exercise this right.

(3) Except as provided in H50-160 or as specifically provided for in these House Rules, a majority vote of representatives voting is necessary for a motion or question to pass.

H60-20. Nondebatable motions. The following motions, in addition to any other motion specifically designated, must be decided without debate:

(1) to adjourn;

(2) for a call of the House;

(3) to recess or rise;

(4) for parliamentary inquiry;

(5) to table or to take from the table;

(6) to call for the previous question or for cloture;

(7) to amend a nondebatable motion;

(8) to divide a question;

(9) to suspend the rules; and

(10) all incidental motions, such as motions relating to voting or of a general procedural nature.

H60-30. Motions allowed during debate. (1) When a question is under debate, only the following motions are in order. The motions have precedence in the following order:

(a) to adjourn;

(b) for a call of the House;

(c) to recess or rise;

(d) for a question of privilege;

(e) to table or take from the table;

(f) to call for the previous question or cloture;

(g) to postpone consideration to a day certain;

(h) to refer or rerefer; and

(i) to propose amendments.

(2) This section does not allow a motion that would not otherwise be allowed under a particular order of business.

(3) Only one substitute motion is in order at any time.

H60-40. Motions to adjourn or recess. (1) A motion to adjourn or recess is always in order, except:

(a) when the House is voting on another motion;

(b) when the previous question has been ordered and before the final vote;

(c) when a member entitled to the floor has not yielded for that purpose; or

(d) when business has not been transacted after the defeat of a motion to adjourn or recess.

(2) A motion to adjourn sine die pursuant to H50-250 is subject to Article V, section 10(5), of the Montana Constitution.

(3) The vote by which a motion to adjourn or recess is carried or fails is not subject to a motion to reconsider.

H60-50. Motion to table. (1) A motion to table, if carried, has the effect of postponing action on the proposition to which it was applied until superseded by a motion to take from the table.

(2) After a vote on a motion to table is carried or fails, the motion cannot be reconsidered.

(3) A motion to table is not in order after the previous question has been ordered.

H60-60. Motion to postpone. A motion to postpone to a day certain may be amended and is debatable within narrow limits. The merits of the proposition that is the subject of the motion to postpone may not be debated.

H60-70. Motion to refer. When a motion is made to refer a subject to a standing committee or select committee, the question on the referral to a standing committee must be put first.

H60-80. Terms of debate on motion to refer or rerefer. (1) A motion to refer or rerefer is debatable within narrow limits. The merits of the proposition that is the subject of the motion may not be debated.

(2) A motion to refer or rerefer with instructions is fully debatable.

H60-100. Moving the previous question after a motion to table. (1) If a motion to table is made directly to a main motion, a motion for the previous question is not in order.

(2) If an amendment to a main motion is pending and a motion to table is made, the previous question may be called on the main motion, the pending amendment, and the motion to table the amendment.

H60-105. Motion to direct standing, select, special, or conference committee action. A representative may move that the House direct a standing, select, special, or conference committee take an action of:

(1) scheduling a bill in the committee's possession for a hearing and public testimony on a date certain; or

(2) acting on a bill, Governor's amendments, or Senate amendments in the committee's possession by a date certain.

H60-110. Standard motions. The following are standard motions:

(1) moving House bills or resolutions on second reading, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration House Bill ___, that it recommend the same (do pass)/(do pass as amended)/(do not pass)."

(2) moving Senate bills and Senate amendments to House bills, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration Senate Bill ___/Senate amendments to House Bill ___, that it recommend the same (be concurred in)/(be not concurred in)."

(3) Committee of the Whole floor amendments, "Mister/Madam Chairman, I move that House Bill___/Senate Bill ___ be amended and request that the amendment be posted and deemed read."

(4) introducing visitors, "Mister/Madam Speaker/Chairman, I request that we be off the record and out of the journal."

(5) changing a vote, "Mister Speaker, I would like my vote changed on House Bill ___/Senate Bill ___ from (yes/no) to (yes/no). The question on the bill was ( ) with a vote tally of ____ for and ____ against."

(6) question another representative, "Mister/Madam Speaker/Chairman, would Representative ___ yield to a question?"

CHAPTER 7

Rules

H70-10. House rules -- amendment -- report timing. (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, two-thirds of the representatives voting must vote in favor of the question to amend the rules.

(3) The Speaker shall refer to the House Rules Committee all resolutions for House rules and joint rules.

(4) The House Rules Committee shall report all resolutions for House rules and joint rules within 1 legislative day of referral.

H70-20. Tenure of rules. Rules adopted by the House remain in effect until removed by House resolution or until a new House is elected and takes office.

H70-30. Suspension of rules. The House may suspend a House rule on a motion approved by not less than two-thirds of the members voting.

H70-40. Supplementary rules. Mason's Manual of Legislative Procedure (2020) governs House proceedings in all cases not covered by House rules.

H70-50. Interpreting rules -- appeal. The Speaker shall interpret all questions on House rules, subject to appeal by any 15 representatives to the House Rules Committee. Unless the delay would cause legislation to fail to meet a scheduled deadline, the House Rules Committee may consider and report on the appeal on the next legislative day. The decision of the House Rules Committee may be appealed to the House by any representative.

H70-60. Joint rules superseded. A House rule, insofar as it relates to the internal proceedings of the House, supersedes a joint rule.

Appendix

(1) Except as provided in subsections (2) through (4), legislation dealing with an enumerated subject must be referred to a standing committee as follows:

Agriculture: Agriculture; country of origin labeling for products; crops; crop insurance; farm subsidies; fuel produced from grain; grazing (other than state land leases); irrigation; livestock; poultry; and weed control.

Appropriations: Appropriations for the Legislature, general government, and bonding, including supplemental appropriations and the coal severance tax.

Business and Labor: Alcohol regulation other than taxation; associations; corporations; credit transactions; employment; financial institutions; gambling; insurance; labor unions; partnerships; private sector pensions and pension plans; professions and occupations other than the practice of law; salaries and wages; sales; secured transactions; securities regulation other than criminal provisions; sports other than hunting, fishing, and competition water sports; trade regulation; unemployment insurance; the Uniform Commercial Code; and workers' compensation.

Education: Higher education; home schools; K-12 education; religion in schools; school buildings and other structures; school libraries and university system libraries; school safety; school sports; school staff other than teachers; school transportation; students; teachers; and vocational education and training.

Ethics: Ethical standards applicable to members, officers, and employees of the House and ethical standards for lobbyists.

Energy, Technology, and Federal Relations: Energy generation and transmission; Indian reservations; international relations; interstate cooperation and compacts, except those relating to law enforcement and water compacts; relations with the federal government; relations with sovereign Indian tribes; telecommunications; technology; and utilities other than municipal utilities.

Fish, Wildlife, and Parks: Fish; fishing; hunting; outdoor recreation; parks other than those owned by local governments; relations with federal and state governments concerning fish and wildlife; Virginia City and Nevada City; water sports; and wildlife.

Human Services: Developmentally disabled persons; disabled persons; health; health and disability insurance; housing; human services; mental illness or incapacity; retirement other than pensions and pension plans; senior citizens; tobacco regulation other than taxation; and welfare.

Judiciary: Abortion; arbitration and mediation; civil procedure; constitutional amendments; consumer protection; contracts; corrections; courts; criminal law; criminal procedure; discrimination; evidence; family law; fees imposed by or relating to the court system; guaranty; human rights; impeachment; indemnity; judicial system; landlord and tenant; law enforcement; liability and immunity from liability; minors; practice of law; privacy; property law; religion other than in schools; state law library; surety; torts; and trusts and estates.

Legislative Administration: Interim committees and matters related to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

Local Government: Cities; consolidated governments; counties; libraries and parks owned or operated by local governments; local development; local government finance and revenue; local government officers and employees, local planning; special districts and other political subdivisions, except school districts; towns; and zoning.

Natural Resources: Board of Land Commissioners; dams, except for electrical generation; emission standards; environmental protection; extractive activities; fires and fire protection, except for a local government fire department; forests and forestry; hazardous waste; mines and mining; natural gas; natural resources; oil; pollution; solid waste; state land, except state parks; water and water rights; water bodies and water courses; and water compacts.

Rules: House rules; joint rules; legislative procedure; jurisdictions of committees; and rules of decorum.

State Administration: Administrative rules; arts and antiquities; ballots; elections; initiative and referendum procedures; military affairs; public contracts and procurement; public employee retirement systems; state buildings; state employees; state employee benefits; state equipment and property, except state lands and state parks; state government generally; state-owned libraries other than the state law library; veterans; and voting.

Taxation: Taxes other than fuel taxes.

Transportation: Fuel taxes; highways; railroads; roads; traffic regulation; transportation generally; vehicles; and vehicle safety.

(2) If a select committee is created to address a specific subject, then bills relating to that subject must be assigned to the select committee.

(3) (a) If legislation deals with more than one subject and the subjects are assigned to more than one committee, the bill must be assigned to a class one committee before a class two committee and to a class two committee before a class three committee. If there is a conflict of subjects between the same class of committees, then the bill must be assigned by the Speaker.

(b) If a bill contains substantive provisions dealing with policy and an appropriation, the bill must be referred to the committee with jurisdiction over the subject addressed in the policy provisions. If the bill is reported from the committee to which it was assigned, the Speaker may rerefer the bill to the Appropriations Committee. The referral must be announced to the House. The rereferral does not require action or approval by the House, but may be overturned by a majority vote.

(4) If a committee chair upon consultation with the vice chair determines that the committee cannot effectively process all bills assigned to the committee because of time limitations, the chair shall, in writing, request the

Speaker to reassign specific bills. The Speaker shall reassign the bills to an appropriate committee. The reassignments must be announced to the House. The reassignments do not require action or approval by the House, but may be overturned by a majority vote.

Adopted January 14, 2025

HOUSE RESOLUTION NO. 2

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING THE EXPLORATION, DEVELOPMENT, PROCESSING, REFINING, RECYCLING, AND REUSE OF CRITICAL MINERALS IN MONTANA.

WHEREAS, critical minerals, including rare earth elements, are necessary for many vital applications, including but not limited to high-performance and quantum computing, renewable and traditional energy development, electric vehicles and batteries, medical imaging and technology, electronics, and high-strength magnets, and for use by our nation's military, from special forces gear and munitions to tanks and fighter jets; and

WHEREAS, the United States Geological Survey and the United States Department of Energy have designated lists of these critical minerals and materials used for these purposes that are at risk of supply chain disruption; and

WHEREAS, the United States currently imports a majority of its critical minerals for these purposes, including from its geopolitical adversaries, mainly China, which controls more than 50% of the mining and over 90% of the processing, refining, and recycling and reuse for certain critical elements; and

WHEREAS, China has restricted and/or banned the export of certain critical minerals and rare earth elements to the United States and its allies, including the technology used to produce them; and

WHEREAS, the White House and Congress have developed a myriad of programs, orders, and initiatives to address these supply chain risks and are investing billions of dollars in domestic and allied critical minerals mining, processing, refining, recycling and reuse, and manufacturing projects; and

WHEREAS, Montana has significant deposits of these listed critical minerals in its geology, both at existing mines and at abandoned legacy sites; and

WHEREAS, Montana is home to the nation's only platinum group metals-producing mines, the Stillwater and East Boulder mines, and has mines and processing facilities that produce or have historically produced critical minerals, including copper, molybdenum, nickel, manganese, zinc, tungsten, antimony, chromium, and aluminum, and is therefore uniquely poised to help America secure its critical minerals supply chains; and

WHEREAS, Montana desires to responsibly develop its mineral resources and to expand and establish mining, processing, refining, recycling and reuse, and manufacturing facilities for critical minerals, which would advance its economy and be for the mutual benefit of our nation's technological, energy, and economic advancements, and allow for our nation's continued security and defense; and

WHEREAS, critical minerals mining, processing, refining, recycling and reuse, and manufacturing done in Montana and domestically, in accordance with our global-leading labor, safety, public engagement, and environmental standards, provides responsible development assurances that result in major global environmental and humanitarian benefits when compared to projects

if they are conducted in China, Russia, and many other developing countries; and

WHEREAS, the United States government, including its Department of Defense, and Montana's Congressional Delegation have continued to support the advancement of critical minerals projects in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature urges the state, federal, tribal, and local jurisdictions across Montana to acknowledge the information provided here and to support the further study, identification, exploration, and responsible and appropriate development, processing, refining, and recycling and reuse of critical minerals and materials in Montana for the benefit of its local communities and economies and to strengthen America's domestic supply chains for achieving its technological, economic, and energy transition goals and to secure its national defense.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States and his cabinet, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Montana Congressional Delegation.

Adopted February 5, 2025

HOUSE RESOLUTION NO. 3

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE MONTANA CONGRESSIONAL DELEGATION TO ADVOCATE TO THE PRESIDENT OF THE UNITED STATES TO PROTECT THE PERSONALLY IDENTIFIABLE INFORMATION OF MONTANANS FROM THE DEPARTMENT OF GOVERNMENT EFFICIENCY.

WHEREAS, online privacy and security is important to Montanans; and

WHEREAS, Montana prides itself in its robust privacy laws that protect the identities and financial security of all Montanans, including laws related to online computer crimes, online privacy, and data security; and

WHEREAS, the newly established Department of Government Efficiency (DOGE), a federal organization created by executive order and not through an act of the United States Congress, recently gained access to the federal digital infrastructure containing the names, addresses, social security numbers, and other personally identifiable information of millions of American citizens, including thousands of Montanans; and

WHEREAS, due to uncertainties about the type of access gained by the DOGE, how the acquired information will be used, and whether there will be any oversight of the DOGE, Americans are afraid that their personally identifiable information is at risk, and many citizens are resorting to freezing their credit as a precaution; and

WHEREAS, it is unacceptable to use personally identifiable information in any way that is not entirely secure, and it is the responsibility of the federal government to provide that protection; and

WHEREAS, Montanans should have the same protections at the federal level against breaches of personally identifiable information as they do at the state level.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the House of Representatives of the 69th Legislature request that the Montana Congressional Delegation act immediately to secure all databases that contain personally identifiable information of Montanans.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation and the President of the United States.

Adopted April 24, 2025

HOUSE RESOLUTION NO. 5

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DESIGNATING THE WEEK OF APRIL 14, 2025, AS TWO LIGHTS FOR TOMORROW WEEK IN MONTANA.

WHEREAS, the Montana House of Representatives recognizes the importance of honoring and commemorating the 250th anniversary of the founding of our nation and reminding our citizens of the vital significance and relevance of our founding principles and ideals that created a unique national identity worth fighting for; and

WHEREAS, the events of 1775 that began the revolution the year before independence was declared are significant moments that signaled the creation of a national identity and unity of purpose that transcended traditional geographic, cultural, and societal divides; and

WHEREAS, individuals and communities across all of the colonies came together to support their fellow countrymen; and

WHEREAS, on the evening of April 18, 1775, with impending hostile action from the British army in Boston, Massachusetts, Paul Revere and William Dawes, along with other alarm riders, undertook a perilous ride to alert everyone in the countryside of the coming danger; and

WHEREAS, preceding their departure from Boston, a prearranged signal was set in the Old North Church steeple to ensure that the message got out and did not solely rely on just one or two alarm riders; and

WHEREAS, the two lanterns that were the signal were immortalized in Henry Wadsworth Longfellow's poem "Paul Revere's Ride" as "one if by land, and two if by sea" and have become an enduring symbol of American vigilance, perseverance, and preparedness in the face of adversity; and

WHEREAS, those alarm riders and the citizens who answered the call to arms to serve and defend their fellow countrymen that night and the following day at the battles of Lexington and Concord exemplify the spirit of community and shared responsibility that has defined our nation since its inception; and

WHEREAS, we are reminded, 250 years later, that the call for unity and the call to serve each other is no less relevant today than it was in 1775; and

WHEREAS, a national initiative has been proposed that two lights be displayed in public spaces across the country for all to see, marking that significant anniversary in April 2025 and the beginning of the 250th anniversary commemorations leading up to the 250th anniversary of the Declaration of Independence on July 4, 2026; and

WHEREAS, state commissions, state governments, federal agencies, and community, heritage, and historical organizations across the country, including the Montana 250th Commission, have eagerly endorsed the initiative, have pledged to support it and participate in it, and have encouraged others to do the same; and

WHEREAS, some participating agencies have also pledged to encourage a day of community service on April 19, 2025, as a way to encourage

understanding about the true meaning of these historical commemorations, knowing that these events are not just marking history for history's sake but rather encouraging reflection on the idea that all of these historic events were endeavoring toward one common goal: the chance for a better tomorrow, together.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana House of Representatives proclaims the week of April 14, 2025, as Two Lights for Tomorrow Week and calls on all citizens to unite in remembrance of our shared history, honoring the sacrifices made by those who fought for our independence and reminding ourselves of the values we hold dear today.

BE IT FURTHER RESOLVED, that the Montana House of Representatives encourages all government buildings, community centers, museums, public spaces, historic preservation entities, and citizens to take part in this symbolic commemoration by prominently displaying two lights for all to see during the night of April 18, 2025, and to reflect on how those lights shining out in the darkness during this vigil symbolically illustrate our ongoing journey as a nation.

Adopted April 18, 2025

HOUSE RESOLUTION NO. 6

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE PROTECTION OF MONTANA'S TRADITIONAL NOVEMBER MULE DEER HUNT.

WHEREAS, this resolution may be cited as the "Traditional November Mule Deer Hunt Protection Resolution"; and

WHEREAS, the House of Representatives is the closest representation of the people of the state; and

WHEREAS, to increase populations of mule deer, antlerless harvest is minimized, and to decrease populations of mule deer, antlerless harvest is maximized; and

WHEREAS, except to increase the buck-to-doe ratio at certain times, mule deer buck harvest is generally not a major factor in population management; and

WHEREAS, Montana is unusual among the states in that, apart from the early 1900s, and despite recurrent increases and decreases in mule deer populations, it has always allowed the harvest of mule deer bucks during the rut period; and

WHEREAS, harvesting mule deer bucks during the rut gives hunters the opportunity to harvest a mature deer, because older deer are more active at that time; and

WHEREAS, Montana hunters have long-standing personal and family traditions of hunting mule deer during the rut; and

WHEREAS, Montana has hunting families whose traditions of hunting mule deer during the rut are generational and culminate with Thanksgiving when families are together; and

WHEREAS, it is essential to preserve the long-standing opportunity and tradition of November mule deer hunting and of mule deer buck harvest during the rut period while allowing the management of mule deer buck harvest in hunting districts where it may be beneficial for population management; and

WHEREAS, between trophy management and opportunity management, Montana has historically focused on providing greater opportunity for hunters; and

WHEREAS, a Department of Fish, Wildlife, and Parks survey conducted in 2022 showed that 71% of respondents either "support" or "strongly support" the timing of the current 5-week general rifle season for mule deer, which is an increase of 10% in the "strongly support" category in the 11-year period after a similar survey was conducted in 2011; and

WHEREAS, in the same 2022 survey, nearly two-thirds of respondents stated they "support" or "strongly support" the hunting of mule deer bucks during the rut in Montana, while only 16% stated they "oppose" or "strongly oppose" the hunt; and

WHEREAS, after nearly 10 decades of decreases and increases in mule deer populations, removing the mule deer hunt from the month of November and removing the hunt permanently from the rut would be drastic and not science based.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the House of Representatives urges the Fish and Wildlife Commission to strongly consider:

(1) retaining the cherished and long-held traditions of the November mule deer hunt, including hunting mule deer bucks during the rut, and resisting the movement of the mule deer season earlier into the month of October;

(2) keeping in mind the Department of Fish, Wildlife, and Parks' survey results in which respondents greatly supported the timing of the current mule deer hunting season;

(3) aggressively restricting the harvest of antlerless mule deer in regions where populations are below the objective, or below the objective in the long-term average for a period of years, until populations recover;

(4) restricting antlerless mule deer harvests until populations strengthen in districts that are at the objective but are trending toward below the objective;

(5) restricting the harvest no earlier than November 6 in general hunting districts, in order to retain opportunity for hunters if the commission finds it necessary to restrict the harvest of mule deer bucks during the rut;

(6) rotating any necessary restrictions as much as possible by district to continue providing opportunity for rut harvests in most areas of the state while other districts are restricted and only as long as needed to recover buck-to-doe ratios; and

(7) adding biological triggers to restrictive mule deer management, such as increasing the buck-to-doe ratio in districts in which the buck-to-doe ratio has dropped below 15 bucks for every 100 does according to postseason surveys.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House send a copy of this resolution to the Governor and to each of the seven Commissioners of the Fish and Wildlife Commission.

Adopted April 24, 2025

Senate Joint Resolutions

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE JOINT LEGISLATIVE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following Joint Rules be adopted:

JOINT RULES OF THE MONTANA
SENATE AND HOUSE OF REPRESENTATIVES
CHAPTER 1
Legislator Remote Participation

1-05. Definitions. As used in these joint rules, the following definitions apply:

(1) "Member" means a member of the Senate or the House of Representatives for the 68th Legislature.

(2) "Participating remotely", "remotely present", or "participate remotely" means participating by telephone, teleconference, videoconference, or other means.

(3) "Present" means a member was either physically present and participating in the session or remotely present and participating in the session.

1-40. Members physically present or remotely present by electronic means. (1) The Senate and the House may assemble, convene, and conduct the session with members being either physically present or participating remotely. A member is not permitted to participate remotely unless excluded from physical participation based on a decision of the member's caucus leader pursuant to Joint Rule 1-50.

(2) Subject to subsection (3), members who are permitted to participate remotely in the session:

(a) may vote on any question or other matter before the Senate or the House, including committees of the Senate or the House;

(b) have the same privileges, rights, and duties as if the member were physically present, including the right, privilege, and responsibility to cast votes on all questions or other matters brought to a vote;

(c) are considered to have immunity that prevents the member from being questioned in any other place for any speech or debate in the Legislature that happens by participating remotely, as guaranteed by Article V, section 8, of the Montana Constitution;

(d) are entitled to receive compensation for remotely participating in the same manner as a legislator member physically participating during the session; and

(e) are considered present and in attendance at the session for all purposes, including for purposes of:

(i) determining a quorum pursuant to Article V, section 10, of the Montana Constitution; and

(ii) being present for the passage of a bill pursuant to Article V, section 11, of the Montana Constitution.

(3) Members who vote remotely are required to use electronic authentication as determined by the Legislative Council to prevent access to voting by anyone other than the member.

(4) The Legislative Services Division shall assist members who are participating remotely with any logistical or technical issues during the session.

1-50. Participation during session -- permission granted by caucus leader for participating remotely. (1) A member's caucus leader may allow the member to participate remotely as provided in Joint Rule 1-40 and to vote by proxy, except as provided in subsection (2).

(2) Voting by proxy in third reading may be authorized by a member's caucus leader only when a member is hospitalized. Proxy voting on third reading is discouraged unless a member is physically present and participating in the session or remotely present and participating in the session, because Article V, section 11, of the Montana Constitution requires a member to be "present and voting".

(3) For the purpose of this rule, the caucus leader:

(a) for the majority party in the House is the Speaker of the House, the Speaker Pro Tempore of the House, the House Majority Leader, or a Representative designated by a leader in this subsection (3)(a);

(b) for the minority party in the House is the House Minority Leader or a Representative designated by the House Minority Leader;

(c) for the majority party in the Senate is the Senate President, the Senate President Pro Tempore, the Senate Majority Leader, or a Senator designated by a leader in this subsection (3)(c); and

(d) for the minority party in the Senate is the Senate Minority Leader or a Senator designated by the Senate Minority Leader.

CHAPTER 10

Administration

10-10. Time of meeting. Each house may order its time of meeting.

10-20. Legislative day -- duration. (1) If either house is in session on a given day, that day constitutes a legislative day.

(2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time the house convenes for the following legislative day, whichever is earlier.

10-30. Schedules. The presiding officer of each house shall coordinate its schedule to accommodate the workload of the other house.

10-40. Adjournment -- recess -- meeting place. A house may not, without the consent of the other, adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting (Montana Constitution, Art. V, Sec. 10(5)). The procedure for obtaining consent is contained in Joint Rule 20-10.

10-50. Access of media -- registration -- decorum -- sanctions. (1) Subject to the presiding officer's discretion on issues of decorum and order, a registered media representative may not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

(2) The presiding officer shall authorize the issuance of cards to media representatives to allow floor access, and media representatives holding the cards are subject to placement on the floor by the presiding officer. The presiding officer may delegate enforcement of this rule to the office of the Secretary of the Senate, Chief Clerk of the House, the respective Sergeant-at-Arms, or the Legislative Information Officer. The privilege may be revoked or suspended for

a violation of decorum and order as agreed to by the media representative upon application for registration.

(3) Registered media representatives may be subject to seating in designated areas. Overflow access will be in the gallery.

10-60. Conflict of interest. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house to which the member belongs.

10-70. Telephone calls and internet access. (1) Use of a state telephone while the Legislature is in session or while the member is in travel status is considered official legislative business. This includes but is not limited to calls made to constituencies, places of business, and family members. A member's access to the internet through a permissible server is a proper use of the state communication system if the use is for legislative business or is within the scope of permissible use of a state telephone.

(2) Session staff, including aides, may use state telephones if specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring members and supervisors are accountable for use of state telephones and internet access by their staff, including aides, and may not authorize others to use state phones or state servers to access the internet.

(3) Permanent staff of the Legislature shall comply with executive branch rules applying to the use of state telephones.

(4) For purposes of this section, "state telephone" or "state phone" means a landline telephone or other telephone provided by the state.

10-80. Joint employees. The presiding officers of each house, acting together, shall:

(1) hire joint employees; and

(2) review a dispute or complaint involving the competency or decorum of a joint employee, and dismiss, suspend, or retain the employee.

10-85. Discrimination, harassment, and retaliation prohibited -- adoption of policy. (1) Legislators, legislative employees, and all participants in the legislative process have the right to work free of discrimination, harassment, and retaliation when performing services in furtherance of legislative responsibilities, whether the offender is an employer, employee, or legislator.

(2) The policy of the Montana Legislature prohibiting discrimination, harassment, and retaliation, as recommended by the Legislative Council and approved by the Legislature by virtue of adoption of these joint rules, must be shared with members and staff during orientation and training and published separately as an appendix to the Joint Rules.

10-100. Legislative Services Division. (1) The staff of the Legislative Services Division shall serve both houses as required.

(2) Staff members shall:

(a) maintain personnel files for legislative employees; and

(b) prepare payrolls and prepare a monthly financial report.

(3) The Legislative Services Division shall train rostrum staff for both houses.

10-120. Engrossing and enrolling staff -- duties. (1) The Legislative Services Division shall provide all engrossing and enrolling staff.

(2) The duties of the engrossing and enrolling staff are:

(a) to engross or enroll any bill or resolution delivered to them within 48 hours after it has been received, unless further time is granted in writing by the presiding officer of the house in which the bill originated; and

(b) to correct clerical errors, absent the objection of the sponsor of a bill, resolution, or amendment and the Secretary of the Senate or the Chief Clerk

of the House of Representatives in any bill or amendment originating in the house by which the Clerk or Secretary is employed. The following kinds of clerical errors may be corrected:

(i) errors in spelling;

(ii) errors in numbering sections;

(iii) additions or deletions of underlining or lines through matter to be stricken;

(iv) material copied incorrectly from the Montana Code Annotated;

(v) errors in outlining or in internal references;

(vi) an error in a title caused by an amendment;

(vii) an error in a catchline caused by an amendment;

(viii) errors in references to the Montana Code Annotated; and

(ix) other nonconformities of an amendment with Bill Drafting Manual form.

(3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the Secretary of the Senate or the Chief Clerk of the House, who shall give notice to the sponsor of the bill or amendment. The form must be filed in the office of the amendments coordinator. A party receiving notice may register an objection to the correction by filing the objection in writing with the Secretary of the Senate or the Chief Clerk of the House by the end of the next legislative day following receipt of the notice. The Senate or House shall vote on whether or not to uphold the objection. If the objection is upheld, the Secretary of the Senate or the Chief Clerk of the House shall notify the Executive Director of the Legislative Services Division, and the engrossing staff shall change the bill to remove the correction or corrections to which the objection was made.

(4) For the purposes of this rule, "engrossing" means placing amendments in a bill.

10-130. Bills -- sponsorship -- style -- format. (1) A bill must be sponsored by a member of the Legislature.

(2) A bill must be formatted electronically with numbered lines and:

(a) printed on paper with numbered lines;

(b) numbered at the foot of each page (except page 1);

(c) backed with a page of substantial material that includes spaces for notations for tracking the progress of the bill; and

(d) introduced. Introduction constitutes the first reading of the bill.

(3) In a section amending an existing statute, matter to be stricken out must be indicated with a line through the words or part to be deleted, and new matter must be underlined.

(4) (a) Except as provided in subsection (4)(b), sections of the Montana Code Annotated repealed or amended in a bill must be stated in the title.

(b) (i) Sections of the Montana Code Annotated repealed or amended in a legislative referendum must be stated in the title unless the inclusion of those sections in the title would cause the title to cumulatively exceed a 100-word limit.

(ii) If the inclusion of sections of the Montana Code Annotated repealed or amended in a legislative referendum title would cause the title to cumulatively exceed 100 words, the title must include those sections that do not exceed the 100-word limit and include a reference to the total number of additional sections listed in the body of the bill that are excluded from the title due to the 100-word limit. Those additional sections excluded from the title must be listed in a section within the body of the bill after the enacting clause.

(5) Introduced bills must be posted online and may be reproduced on white paper and distributed to members.

(6) (a) A legal review note or analysis produced by the Legislative Services Division Legal Services Office must be attached to an introduced bill and posted on the Legislative Branch website.

(b) After a legal review note has been posted for an introduced bill, if the bill is later amended and the primary sponsor of the bill believes the amendment resolves the potential legal issues cited in the legal review note, the primary sponsor may request that the Legislative Services Division Legal Services Office revise the posted legal review note to include a statement from the primary sponsor that the adopted amendment has resolved the potential legal issues cited in the legal review note.

(7) Prior to submitting legislation for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator may be added as a cosponsor by an in-person request, an electronic message, a phone communication, or a cosponsor form. If a printed cosponsor form is used, a legislator must sign or initial a cosponsor form supplied upon request by the Secretary of the Senate or the Chief Clerk of the House in order to be added as a cosponsor. A legislator may also sign on the front page of the legislation.

(8) (a) Within 2 days from the date that the chief sponsor signs and accepts legislation from the Legislative Services Division and prior to submitting legislation to the Secretary of the Senate or the Chief Clerk of the House for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(b) (i) Except as provided in subsection (8)(b)(ii), after legislation is submitted for introduction but before the legislation returns from the first house committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Secretary of the Senate or the Chief Clerk of the House.

(ii) A Senate chief sponsor may not remove a cosponsor.

10-140. Voting on bills -- constitutional amendments. (1) A bill may not become a law except by vote of the constitutionally required majority of all the members present and voting in each house (Montana Constitution, Art. V, Sec. 11(1)). On final passage, the vote must be taken by ayes and noes and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(2)).

(2) Any vote in one house on a bill proposing an amendment to The Constitution of the State of Montana under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote.

(3) This rule does not prevent a committee from tabling a bill proposing an amendment to The Constitution of the State of Montana.

10-150. Recording and publication of voting. (1) Every vote of each member on each substantive question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made available to the public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the names entered on the journal.

(2) (a) Roll call votes must be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole to:

(i) amend;

(ii) recommend passage or nonpassage;

(iii) recommend concurrence or nonconcurrence; or

(iv) indefinitely postpone.

(b) The text of all proposed amendments in Committee of the Whole must be recorded.

(3) A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the audio recording log of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). The official record of a committee meeting is the audio recording of the meeting, and an audio recording log must also be kept that includes but is not limited to:

(a) the date, time, and place of the meeting;

(b) a list of the individual members of the public body, agency, or organization who were in attendance;

(c) all matters proposed, discussed, or decided; and

(d) at the request of any member, a record of votes by individual members for any votes taken.

10-160. Journal. Each house shall:

(1) supply the Legislative Services Division with the contents of the daily journal to be stored on an automated system;

(2) examine its journal and order correction of any errors; and

(3) make a daily journal available to all members.

10-170. Journals -- authentication -- availability. (1) The journal of the Senate must be authenticated by the signatures of the President and the Secretary of the Senate, and the journal of the House of Representatives must be authenticated by the signatures of the Speaker and the Chief Clerk of the House.

(2) The Legislative Services Division shall make the completed journals electronically available to the public.

CHAPTER 20

Relations With Other House

20-10. Consent for adjournment or recess. As required by Article V, section 10(5), of the Montana Constitution, the consent of the other house is required for adjournment or recess for more than 3 calendar days. Consent for adjournment is obtained by having the house wishing to adjourn send a message to the other house and having the receiving house vote favorably on the request. The receiving house shall inform the requesting house of its consent or lack of consent. Consent is not required on or after the 87th legislative day.

CHAPTER 30

Committees

30-05. Remote and in-person public testimony before a committee. (1) Except as provided for in subsection (2), and subject to provisions of H30-60 and S30-80, remote or in-person testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee.

(2) If a remote technology system failure prevents a person from providing remote testimony, the person may submit written electronic testimony for the committee's official record.

30-10. Joint committee chair -- exception. Except as provided in Joint Rule 30-50 concerning the joint meetings of the Senate Finance and Claims

Committee and the House Appropriations Committee, the chair of the Senate committee is the chair of all joint committees.

30-20. Voting in joint committees -- exception. (1) Except for Rules Committees and conference committees, a member of a joint committee votes individually and not by the house to which the committee member belongs.

(2) Because the Rules Committees and conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee shall agree before any action may be taken, unless otherwise specified by individual house rules.

30-30. Conference committees -- subject matter restrictions. (1) (a) (i) If either house requests a conference committee and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose.

(ii) (A) For Senate legislation, the President shall appoint the primary sponsor to the applicable requested conference committee.

(B) For House legislation, the Speaker shall appoint the primary sponsor to the applicable requested conference committee.

(b) Subject to subsection (4), the time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered.

(2) A conference committee, having conferred, shall report to the respective houses the result of its conference. Subject to subsection (4), a conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend:

(a) acceptance or rejection of each disputed amendment in its entirety; or

(b) further amendment of the disputed amendment.

(3) (a) If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as provided in subsection (1). Subject to subsection (4), a free conference committee may discuss and propose amendments to a bill in its entirety and is not confined to a particular amendment. However, a free conference committee is limited to consideration of amendments that are within the scope of the title of the introduced bill.

(b) A free conference committee may not take executive action on an amendment to a bill implementing provisions of a general appropriation act that does not directly and substantively address the subject of the bill.

(4) A meeting of a conference committee or free conference committee must be conducted as an open meeting, and an audio recording log of the meeting must be kept. Committees are encouraged to provide at least 24 hours' notice to members of the committee and the public. A committee shall conduct a hearing with the opportunity for public comment for the purpose of commenting on proposed amendments or potential amendments to the bill.

30-40. Conference committee -- enrolling. A conference committee report must give clerical instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

30-50. Committee consideration of general appropriation bills. (1) All general appropriation bills must first be considered by a joint subcommittee composed of designated members of the Senate Finance and Claims Committee and the House Appropriations Committee, and then by each committee separately.

(2) Joint meetings of the House Appropriations Committee and the Senate Finance and Claims Committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint committee.

(3) The committee chair of the Senate Finance and Claims Committee or of the House Appropriations Committee may be a voting member in the joint subcommittees if:

(a) either house has fewer members on the joint subcommittees;

(b) the chair represents the house with fewer members on the subcommittees; and

(c) the chair is present for the vote at the time that a question is called. A vote may not be held open to facilitate voting by a chair.

30-60. Estimation of revenue. (1) The Revenue Interim Committee shall introduce a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

(2) (a) The committee must have prepared by December 1 for introduction during each regular session of the Legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation.

(b) The committee may prepare for introduction during a special session of the Legislature in which a revenue bill or an appropriation bill is under consideration an estimate of the amount of projected revenue. The revenue estimate is considered a subject specified in the call of a special session.

30-70. Appointment of interim committees. (1) During an interim when the Legislature is not in session, the committees listed in subsection (2) are the interim committees of the Legislature. They are empowered to sit as committees and may act in their respective areas of responsibility.

(2) (a) The following are interim committees of the Legislature:

(i) Children, Families, Heath, and Human Services Interim Committee;

(ii) Economic Affairs Interim Committee;

(iii) Education Interim Committee;

(iv) Energy and Telecommunications Interim Committee;

(v) Law and Justice Interim Committee;

(vi) Local Government Interim Committee;

(vii) Revenue Interim Committee;

(viii) State Administration and Veterans' Affairs Interim Committee;

(ix) State-Tribal Relations Interim Committee;

(x) Transportation Interim Committee; and

(xi) Water Policy Interim Committee.

(b) For the purposes of this rule, the Environmental Quality Council is also considered an interim committee.

(3) The Speaker of the House and the President of the Senate are ex officio voting members of each interim committee for the sole purpose of breaking a tie vote on a question before an interim committee involving an interim committee objection to an administrative rule pursuant to Title 2, chapter 4, MCA.

(4) Fifty percent of interim committees must be selected to the extent possible from the following legislative standing committees:

(a) Children, Families, Health, and Human Services Interim Committee:

(i) Senate Public Health, Welfare, and Safety Committee;

(ii) Senate Finance and Claims Committee;

(iii) House Human Services Committee; and

(iv) House Appropriations Committee;

(b) Economic Affairs Interim Committee:

(i) Senate Agriculture, Livestock, and Irrigation Committee;

(ii) Senate Business, Labor, and Economic Affairs Committee;

(iii) Senate Finance and Claims Committee;

(iv) Senate Energy Committee;

(v) House Agriculture Committee;

(vi) House Business and Labor Committee;
(vii) House Energy, Technology, and Federal Relations Committee; and
(viii) House Appropriations Committee;
(c) Education Interim Committee:
(i) Senate Education and Cultural Resources Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Education Committee; and
(iv) House Appropriations Committee;
(d) Energy and Telecommunications Interim Committee:
(i) Senate Energy Committee;
(ii) House Energy, Technology, and Federal Relations Committee;
(iii) House Appropriations Committee; and
(iv) Senate Finance and Claims Committee;
(e) Law and Justice Interim Committee:
(i) Senate Judiciary Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Judiciary Committee; and
(iv) House Appropriations Committee;
(f) Local Government Interim Committee:
(i) Senate Local Government Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Local Government Committee; and
(iv) House Appropriations Committee;
(g) Revenue Interim Committee:
(i) Senate Taxation Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Taxation Committee; and
(iv) House Appropriations Committee;
(h) State Administration and Veterans' Affairs Interim Committee:
(i) Senate State Administration Committee;
(ii) Senate Finance and Claims Committee;
(iii) House State Administration Committee; and
(iv) House Appropriations Committee;
(i) State-Tribal Relations Committee:
(i) Senate Education and Cultural Resources Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Energy, Technology, and Federal Relations Committee; and
(iv) House Appropriations Committee;
(j) Transportation Interim Committee:
(i) Senate Highways and Transportation Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Transportation Committee; and
(iv) House Appropriations Committee;
(k) Water Policy Interim Committee:
(i) Senate Agriculture, Livestock, and Irrigation Committee;
(ii) Senate Natural Resources Committee;
(iii) Senate Fish and Game Committee;
(iv) Senate Finance and Claims Committee;
(v) House Agriculture Committee;
(vi) House Fish, Wildlife, and Parks Committee;
(vii) House Natural Resources Committee; and
(viii) House Appropriations Committee.

30-80. Appointment of committees other than standing or statutory interim committees. Members of committees other than standing or statutory interim committees shall be appointed in accordance with the rules of each house.

CHAPTER 40

Legislation

40-10. Amendment to state constitution. A bill must be used to propose an amendment to The Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution, Art. VI, Sec. 10(1)).

40-20. Appropriation bills -- introduction in House -- feed bill. (1) All appropriation bills must originate in the House of Representatives.

(2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House Appropriations Committee.

(3) (a) The provisions of a bill that implements provisions of a general appropriation act must directly and substantively relate to a corresponding provision of the general appropriation act.

(b) (i) When a bill that implements provisions of a general appropriation act is transmitted from the Senate to the House for concurrence, the House may refer the bill to the House Appropriations Committee for a joint meeting with the appropriate house standing committee for public review and consideration prior to action by the House Committee of the Whole on second reading.

(ii) When a bill that implements provisions of a general appropriation act is transmitted from the House to the Senate for concurrence, the Senate may refer the bill to the Senate Finance and Claims Committee for a joint meeting with the appropriate Senate standing committee for public review and consideration prior to action by the Senate Finance and Claims Committee and the Senate Committee of the Whole on second reading. The appropriate standing committee may not take executive action on the bill other than making recommendations to the Senate Finance and Claims Committee.

40-30. Effective dates. (1) Except as provided in subsections (2) through (4), a statute takes effect on October 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(3) A statute providing for the taxation or imposition of a fee on motor vehicles takes effect on the first day of January following its passage and approval unless a different time is prescribed in the enacting legislation.

(4) A joint resolution takes effect on its passage unless a different time is prescribed in the joint resolution.

40-40. Bill requests and introduction -- limits and procedures -- drafting priority -- agency and committee bills. (1) Prior to a regular session, a person entitled to serve in that session, referred to as a "member", or a legislative committee is entitled to request bill drafting services from the Legislative Services Division. Deadlines for requesting certain types of bills during a legislative session are contained in Joint Rule 40-50.

(a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session.

(b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At

least five of the seven bills or resolutions must be requested before the regular session convenes.

(c) After December 5, a member, in the member's discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be transferred to another legislator but may be introduced by another legislator. The requestor must take delivery of the bill either in person or by electronic means and sign, either in person or by electronic means, a receipt indicating delivery of the bill and may either introduce the bill or give the bill to another legislator for introduction.

(d) These limitations on bill and resolution requests do not apply to:

(i) Code Commissioner bills;

(ii) a bill or resolution requested by a standing committee; and

(iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated.

(2) (a) (i) Except as provided in subsections (2)(a)(ii) through (2)(a)(iv) and (2)(b), the staff of the Legislative Services Division shall work on bill draft requests in the order received.

(ii) Except as provided in subsection (2)(a)(iii), after a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member.

(iii) On or before the 5th legislative day, a legislator may reprioritize two of the legislator's top five bill draft requests. A legislator may not reprioritize a bill draft request if the legislator has been notified that staff has initiated drafting of the request.

(iv) (A) The Speaker of the House and the President of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 38 draft requests. The minority leader of the House and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 20 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.

(B) The Speaker of the House and the President of the Senate may each request 30 leadership bill drafts. The minority leader of the House and the minority leader of the Senate may each request 20 leadership bill drafts.

(b) Except for bill draft requests described in subsection (1)(d)(iii), if a draft bill has not been received by the Legislative Services Division by November 15 for a bill by request of an agency or entity, the draft loses its priority under this rule.

(3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall post them electronically or print and deliver them to the requesting members. The original bill back must be signed to indicate review by the Legislative Services Division. The electronic version of the bill must include an indication of review by the Legislative Services Division. A bill may not be introduced unless it is so signed or indicated.

(4) (a) During a session, a bill may be introduced by endorsing it with or indicating the name of a member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears

or is indicated first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name, and the chief sponsor may not be changed. Except as provided in subsection (4)(b), in each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

(b) The first 15 House bills may be reserved for preintroduced bills.

(5) (a) Except as provided in subsection (5)(b)(ii), any bill requested by an interim or statutory legislative committee or on behalf of an administrative or executive agency or department through an interim or statutory committee must be so indicated by placing after the names of the sponsors the phrase "By Request of the.....(Name of committee or agency)". The phrase may not be added to an introduced bill by amendment. The phrase may not be placed on a bill unless requested by a statutory or interim committee prior to the convening of the session. Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction of an agency, committee, or individual legislator's bill must occur no later than 5 p.m. on December 15th prior to the convening of a regular legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form.

(b) (i) The preintroduction requirement does not apply to an office held by an elected official during the official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue. Bills requested under this subsection (5)(b) may include the phrase "By Request of.....(Name of official or committee)".

(ii) An official newly elected to a statewide office may request in writing that the Legislative Services Division remove the phrase "By Request of....." from bills requested by the outgoing official of that office.

(6) Bills may be preintroduced, numbered, posted online, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures, facsimile signatures (5-2-105, MCA), or electronic signatures, along with verified email addresses, of persons entitled to serve as members in the ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor's name printed or listed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the printed bill or included on the electronic version of the bill following standing committee approval.

40-50. Schedules for drafting requests and bill introduction. (1) The following schedule must be followed for submission of drafting requests.

	Request Deadline 5:00 P.M. Legislative Day
• General Bills and Resolutions	12
• Revenue Bills	17
• Committee Bills and Resolutions/	36

Leadership General Bills and Resolutions	
• Committee Revenue Bills and Bills Proposing Referenda/Leadership Revenue Bills and Bills Proposing Referenda	56
• Committee Bills and Leadership Bills implementing provisions of a general appropriation act	56
• Interim study resolutions	60
• Appropriation Bills	45
• Resolutions to express confirmation of appointments	No Deadline
• Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline

(2) (a) A bill or resolution must be introduced at least 6 legislative days prior to the applicable transmittal deadline as provided in Joint Rule 40-200 except for:

(i) a session committee bill, resolution, or referenda;

(ii) a bill repealing or directing the amendment or adoption of administrative rules;

(iii) a joint resolution advising or requesting the repeal, amendment, or adoption of administrative rules; or

(iv) a resolution expressing confirmation.

(b) Bills and resolutions must be introduced within 2 legislative days after delivery. Failure to comply with the introduction deadline results in the bill draft being canceled.

40-60. Joint resolutions. (1) A joint resolution must be adopted by both houses and is not approved by the Governor. It may be used to:

(a) express desire, opinion, sympathy, or request of the Legislature;

(b) recognize relations with other governments, sister states, political subdivisions, or similar governmental entities;

(c) request, but not require, a legislative entity to conduct an interim study;

(d) adopt, amend, or repeal the joint rules;

(e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;

(f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

(g) submit a negotiated settlement under section 39-31-305(3), MCA;

(h) declare or terminate an energy emergency under section 90-4-310, MCA;

(i) ratify or propose amendments to the United States Constitution;

(j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana; or

(k) approve the organization of a new community college district under section 20-15-209, MCA.

(2) A joint resolution may not be used for purposes of congratulating or recognizing an individual or group achievement. Recognition of individual or group achievements is handled on special orders of the day.

(3) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint resolution is treated in all respects as a bill.

(4) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the Secretary of the Senate or the Chief Clerk of the House.

40-65. Appropriation required for bills requesting interim studies. (1) A bill including a request for an interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to conduct the study. The bill must include a contingent voidness section that would void the bill if an appropriation is not included. A fiscal note may be requested for a bill requesting an interim study if the appropriation does not appear to be sufficient.

(2) A Senator may introduce a bill that includes a request for an interim study in the Senate without an appropriation, but the bill may not be transmitted to the Governor unless the bill contains an appropriation added in the House that is sufficient to conduct the study.

40-70. Bills with same purpose -- vetoes. (1) A bill may not be introduced or received in a house after that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

(2) A bill may be designated as identical to another bill only by the Rules Committee of the house in which the bill is offered for introduction or reception.

(3) Failure to override a veto does not constitute final rejection.

40-80. Reproduction of full statute required. A statute may not be amended or its provisions extended by reference to its title only, but the statute section that is amended or extended must be reproduced or published at length.

40-90. Bills -- original purpose. A law may not be passed except by bill. A bill may not be so altered or amended on its passage through either house as to change its original purpose (Montana Constitution, Art. V, Sec. 11(1)).

40-95. Amendment processing. (1) Amendments to bills and resolutions are drafted by Legislative Services Division staff.

(2) All amendments must be reviewed by the staff of the Legislative Services Division for proper format, style, and legal form.

(3) Amendments requested and approved by a legislator on a bill that is in committee or is scheduled for second reading in the Committee of the Whole must be posted online.

40-100. Fiscal notes. (1) All bills reported out of a committee of the Legislature, including interim committees, having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation.

(2) The Legislative Services Division shall make available an electronic copy of any bill for which it has been determined a fiscal note may be necessary to the

Budget Director immediately after the bill has been prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a local government or school district must comply with subsection (4).

(3) The Budget Director, in cooperation with the governmental entity or entities affected by the bill, is responsible for the preparation of the fiscal note. Except as provided in subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted by the presiding officer or committee making the request, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the note.

(4) (a) A bill that may require a local government or school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with a local government or school district affected by the bill.

(b) The Budget Director has 10 days to prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to the presiding officer and the chief sponsor of the bill.

(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's actual or electronic signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes having a potential effect on the revenues, expenditures, or fiscal liability must be reproduced for the members of the committee hearing the bill and, if the bill is reported out of committee, placed on the members' desks, either with or without the chief sponsor's actual or electronic signature.

(6) A fiscal note must, if possible, show in dollar amounts:

(a) the estimated increase or decrease in revenues or expenditures;

(b) costs that may be absorbed without additional funds; and

(c) long-range financial implications.

(7) The fiscal note may not include any comment or opinion relative to merits of the bill. However, technical or mechanical defects in the bill may be noted.

(8) (a) A fiscal note also may be requested, with the approval of the presiding officer, on a bill and on an amended bill by:

(i) a committee considering the bill;

(ii) a majority of the members of the house in which the bill is to be considered, at the time of second reading; or

(iii) the chief sponsor.

(b) With the approval of the presiding officer, a committee may request a revised fiscal note on committee-approved amendments to a bill not reported out of committee by passing a motion to postpone action on the bill pending a revised fiscal note.

(9) The Budget Director shall prepare and deliver an amended fiscal note on an amended bill within 3 days of the request by the presiding officer; otherwise the bill may proceed without the updated fiscal note.

(10) The Budget Director shall make available on request to any member of the Legislature all background information used in developing a fiscal note.

(11) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading unless the bill is accompanied by the fiscal note.

(12) (a) If the budget director fails to prepare and submit a fiscal note in a timely fashion in accordance with this rule, the presiding officer of each house may request the preparation of a fiscal note by the Legislative Fiscal Division, which shall prepare a fiscal note for the bill.

(b) The presiding officer of the originating chamber shall designate which fiscal note accompanies the bill or is used in the preparation of the status sheet if more than one fiscal note is prepared.

40-110. Sponsor's fiscal note rebuttal. (1) If a sponsor elects to prepare a sponsor's fiscal note rebuttal, the sponsor shall make the election as provided and return the completed sponsor's fiscal note rebuttal form to the presiding officer within 4 days of the election. The form must identify the bill number, the sponsor of the bill, the date prepared, the version of the fiscal note being rebutted, the reasons the sponsor disagrees with the fiscal note, the items or assumptions in the fiscal note that the sponsor believes are incorrect, and the sponsor's estimate of the fiscal impact, if an estimate is available.

(2) The presiding officer may grant additional time to the sponsor for preparation of the sponsor's fiscal note rebuttal.

(3) Upon receipt of the completed sponsor's fiscal note rebuttal form, the presiding officer shall refer it to the committee hearing the bill. If the bill is printed, the form must be identified as a sponsor's fiscal note rebuttal, reproduced, and placed on the members' desks. The sponsor's fiscal note rebuttal must be posted online with the bill materials.

(4) The House and the Senate shall provide forms for preparation of sponsors' fiscal note rebuttals and shall post the completed sponsors' fiscal note rebuttals online and may also print the completed sponsors' fiscal note rebuttal forms on a different color paper than the fiscal notes prepared by the Budget Director.

40-120. Substitute bills. (1) A committee may recommend that every clause in a bill be changed and that entirely new material be substituted so long as the new material is relevant to the title and subject of the original bill. The substitute bill is considered an amendment and not a new bill.

(2) The proper form of reporting a substitute bill by a committee is to propose amendments to strike out all of the material following the enacting clause, to substitute the new material, and to recommend any necessary changes in the title of the bill.

(3) If a committee report is adopted that recommends a substitute for a bill originating in the other house, the substitute bill must be printed and reproduced.

40-130. Reading of bills. Prior to passage, a bill, other than a bill requested by a joint select or joint special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under consideration. It may be read either by title or by summary of title. Introduction constitutes the first reading of the bill.

40-140. Second reading -- bill reproduction. (1) If the majority of a house adopts a recommendation for the passage of a bill originating in that house after the bill has been returned from a committee with amendments, the bill and its version status must be posted online and, if printed, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.

(2) If a bill has been returned from a committee without amendments, an indication must be made online on the bill status page. If the bill is printed, only the first sheet must be reproduced on yellow paper, and the remainder of

the text may be incorporated by reference to the preceding version of the entire bill.

(3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b), may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted to the other house, and if the bill was not amended, it may be placed on second reading without the need for referral to a committee.

40-150. Engrossing. (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed if the bill is amended. Committee of the Whole amendments must be included in the engrossed bill. If the bill is not amended, the bill must be sent to printing. The bill must be placed on the agenda for third reading on the legislative day after receipt.

(2) Copies of the engrossed bill must be available to members electronically. If also printed, the engrossed bill must be reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. If printed, only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.

(3) If a bill is amended by a standing committee in the second house, the amendments must be engrossed and the engrossed bill posted online. If the engrossed bill is also printed, the amendments must be included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended in Committee of the Whole, the amendments must be engrossed and the engrossed bill posted online. If the engrossed bill is also printed, the amendments must be included in a salmon-colored reference bill and distributed in the second house for third reading. If the bill passes on third reading, the reference bill must be posted online and, if printed, copies distributed in the original house. The original house may request from the second house a specified number of copies of the amendments to be printed.

40-160. Enrolling. (1) When a bill has passed both houses, it must be enrolled. An original and one duplicate printed copy of the bill must be enrolled, free from all errors, with a margin of two inches at the top and one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted matter must be shown as stricken. The enrolled bill must be posted online.

(2) When the enrolling is completed, the bill must be examined by the sponsor.

(3) The correctly enrolled bill must be delivered to the presiding officer of the house in which the bill originated. The presiding officer shall sign the original and one copy of the bill not later than the next legislative day after it has been reported correctly enrolled, unless the bill is delivered on the last legislative day, in which case the presiding officer shall sign it that day. The fact of signing must be announced by the presiding officer and entered upon the journal no later than the next legislative day. At any time after the report of a bill correctly enrolled and before the signing, if a member signifies a desire to examine the bill, the member must be permitted to do so. The bill then must be transmitted to the other house where the same procedure must be followed.

(4) A bill that has passed both houses of the Legislature by the 90th day may be:

(a) enrolled;

(b) clerically corrected by the presiding officers, if necessary;

(c) signed by the presiding officers; and

(d) delivered to the Governor or, in the case of a bill proposing a referendum, to the Secretary of State, not later than 5 working days after the 90th legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the 90th day.

(6) The original and one copy signed by the presiding officer of each house must be presented to the Governor or the Secretary of State, as applicable, in return for a receipt. A report then must be made to the house of the day of the presentation, which must be entered on the journal.

(7) The original must be filed with the Secretary of State. A signed copy with a chapter number assigned pursuant to section 5-11-204, MCA, must be filed with the Legislative Services Division.

40-170. Amendment by second house. (1) Amendments to a bill by the second house may not be further amended by the house in which the bill originated, but must be either accepted or rejected. A bill amended by the second house when the effect of the combined amendments is to return the bill to the form that the bill passed the house in which the bill originated is not considered to have been amended and need not be returned to the house of origin for acceptance or rejection of the amendments. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill again must be placed on third reading in the house of origin.

(2) The vote on third reading after concurrence in amendments is the vote of the house of origin that must be used to determine if the required number of votes has been cast.

40-180. Final action on a bill. (1) When a bill being heard by the second house has received its third reading or has been rejected, the second house shall transmit it as soon as possible to the original house with notice of the second house's action.

(2) A bill that reduces revenue and that contains a contingent voidness provision may not be transmitted to the Governor unless there is an identified corresponding reduction in an appropriation contained in the general appropriations act.

40-190. Transmittal of bills between houses -- referral -- hearing. (1) Each house shall transmit to the other with any bill all relevant papers.

(2) When a House bill is transmitted to the Senate, the Secretary of the Senate shall give a dated receipt for the bill to the Chief Clerk of the House. When a Senate bill is transmitted to the House of Representatives, the Chief Clerk of the House shall give a dated receipt to the Secretary of the Senate.

(3) Transmitted bills must be referred to committee and scheduled for hearing.

40-200. Transmittal deadlines -- two-thirds vote requirement. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, a bill proposing a referendum, a general joint resolution, an interim study resolution, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 48th legislative day.

(ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations bill, the revenue estimating resolution, interim

study resolutions, bills proposing referenda, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills, bills proposing referenda, and general joint resolutions must be transmitted to the other house on or before the 67th legislative day.

(ii) Amendments to revenue bills, bills proposing referenda, and general joint resolutions, received from the other house, must be transmitted to the house of origin on or before the 80th legislative day.

(iii) A revenue bill is one that either increases or decreases revenue by enacting, eliminating, increasing, or decreasing taxes or fees.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 69th legislative day. A fund transfer within the state treasury is not an appropriation for purposes of this section.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced pursuant to 5-5-227, MCA, for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.

(b) Amendments to the revenue estimating resolution must be transmitted to the body in which the resolution was introduced no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.

40-210. Governor's veto. (1) Except as provided in 40-65 and 40-180, each bill passed by the Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

(a) bills proposing amendments to The Constitution of the State of Montana;

(b) bills ratifying proposed amendments to the United States Constitution;

(c) resolutions; and

(d) referendum measures of the Legislature.

(2) If the Governor does not sign or veto the bill within 10 days after its delivery, the bill becomes law.

(3) The Governor shall return a vetoed bill to the Legislature with a statement of reasons for the veto.

(4) If after receipt of a veto message, two-thirds of the members of each house present approve the bill, it becomes law.

(5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the bill with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on a bill that it approved by two-thirds of the members present or it may be reconvened to reconsider any bill so vetoed (Montana Constitution, Art. VI, Sec. 10).

(6) The Governor may veto items in appropriation bills, and in these instances the procedure must be the same as upon veto of an entire bill (Montana Constitution, Art. VI, Sec. 10).

(7) For the purposes of this rule and 40-220, receipt of the bill with a veto message from the Governor by the house from which the bill originated occurs when either the Chief Clerk of the House or the Secretary of the Senate physically receives the returned bill and the bill is time stamped and dated as being received.

40-220. Response to Governor's veto. (1) When the presiding officer receives a veto message, the presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the Governor's veto be overridden.

(2) A vote on the motion is determined by roll call. If two-thirds of the members present vote "aye", the veto is overridden. If two-thirds of the members present do not vote "aye", the veto is sustained.

40-230. Governor's recommendations for amendment -- procedure. (1) The Governor may return any bill to the Legislature with recommendations for amendment. The Governor's recommendations for amendment must be considered first by the house in which the bill originated.

(2) If the Legislature passes the bill in accordance with the Governor's recommendations, it shall return the bill to the Governor for reconsideration. The Governor may not return a bill to the Legislature a second time for amendment.

(3) If the Governor returns a bill to the originating house with recommendations for amendment, the house shall reconsider the bill under its rules relating to amendments offered in Committee of the Whole.

(4) The bill then is subject to the following procedures:

(a) The originating house shall transmit to the second house, for consideration under its rules relating to amendments in Committee of the Whole, the bill and the originating house's approval or disapproval of the Governor's recommendations.

(b) If both houses approve the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(c) If both houses disapprove the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(d) If one house disapproves the Governor's recommendations and the other house approves, then either house may request a conference committee, which may be a free conference committee.

(i) If both houses adopt a conference committee report, the bill in accordance with the report must be returned to the Governor for reconsideration.

(ii) If a conference committee fails to reach agreement or if its report is not adopted by both houses, the Governor's recommendations must be considered not approved and the bill must be returned to the Governor for further consideration.

CHAPTER 60

Rules

60-05. Source and precedent of legislative rules of the Montana Legislature. (1) The legislative rules of the Montana Legislature are derived from several sources listed below and take precedence in the following order:

(a) constitutional provisions;

(b) adopted legislative rules of the Montana Legislature;

(c) statutory provisions;

(d) adopted parliamentary authority; and

(e) parliamentary law.

(2) Legislative rules passed by one legislature or statutory provisions governing the legislative process are not binding on a subsequent legislature.

60-10. Suspension of joint rule -- change in rules. (1) A joint rule may be repealed, amended, or adopted only with the concurrence of both houses. A motion or a joint rule resolution to repeal, amend, or adopt a joint rule must be referred to the Rules Committee. A joint rule may be repealed, amended,

or adopted only with the concurrence of a majority of the members voting in both houses.

(2) A joint rule governing the procedure for handling bills may be temporarily suspended by the consent of two-thirds of the members of either house, insofar as it applies to the house suspending it.

(3) Any Rules Committee report recommending a change in the joint rules must be referred to the other house. Any new rule or any change in the rules of either house must be transmitted to the other house for informational purposes.

(4) Upon adoption of any change, the Secretary of the Senate and the Chief Clerk of the House of Representatives shall provide the office of the Legislative Services Division:

(a) one copy of all motions or resolutions amending Senate, House, or joint rules; and

(b) electronic copies of all audio recording logs and reports of the Rules Committees.

60-20. Reference to Mason's Manual. Mason's Manual of Legislative Procedure (2020) governs the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

60-30. Publication and distribution of joint rules. (1) The Legislative Services Division shall codify and publish in one volume:

(a) the rules of the Senate;

(b) the rules of the House of Representatives; and

(c) the joint rules of the Senate and the House of Representatives.

(2) After the rules have been published, the Legislative Services Division shall distribute copies as directed by the Senate and the House of Representatives.

60-40. Tenure of joint rules. The joint rules remain in effect until removed by a joint resolution or until a new Legislature is elected and takes office.

Approved April 24, 2025

SENATE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO REVISE COMMERCIAL DRIVER'S LICENSE LAWS.

WHEREAS, federal requirements for commercial driver's licenses are cumbersome and confusing; and

WHEREAS, state governments are burdened with explaining and enforcing commercial driver's license laws;

WHEREAS, requiring commercial driver's licenses for small haulers unreasonably burdens small businesses and seems irrational when compared to the lack of federal regulation on hauling recreational vehicles; and

WHEREAS, requiring commercial driver's licenses for school bus drivers is a time-consuming and costly burden on rural school districts and their drivers, who are often senior citizens offering to do this vital work as a service to their community.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature urges the United States Congress to revise commercial driver's license laws so that a person driving a pickup truck

hauling nonhazardous material on a single trailer does not need a commercial driver's license.

BE IT FURTHER RESOLVED, that the Montana Legislature urges the United States Congress to revise commercial driver's license laws so that school buses have a less burdensome and less costly level of licensure that is appropriate to the specific requirements of driving a school bus with children.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation, to the members of the Transportation and Infrastructure Committee of the United States House of Representatives, to the members of the Commerce, Science, and Transportation Committee of the United States Senate, to the members of the Education and Workforce Committee of the United States House of Representatives, to the members of the Health, Education, Labor, and Pensions Committee of the United States Senate, and to each legislature of the several states and territories.

Adopted March 25, 2025

SENATE JOINT RESOLUTION NO. 5

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO PASS THE SAFER BANKING ACT OF 2023.

WHEREAS, the Controlled Substances Act of 1970 makes it illegal to use or possess marijuana under federal law; and

WHEREAS, marijuana is classified as a Schedule I substance, a designation that prohibits the use of marijuana for medical purposes, but attitudes toward marijuana have shifted significantly, with 38 states and territories, including Montana, legalizing or decriminalizing the use or possession of marijuana for medical or recreational purposes; and

WHEREAS, a Pew Research poll shows that 61% of Americans favor nationwide legalization; and

WHEREAS, marijuana was legalized in Montana by voter initiative in 2004 for medical use and in 2020 for recreational use, both with wide approval margins; and

WHEREAS, Montana residents benefit considerably from the taxes collected from the marijuana industry, with over $117 million in taxes collected from $726 million in sales between January 2022 and April 2024, funding programs from mental health to wildlife habitat to veterans' affairs; and

WHEREAS, states like Montana have seen an increase in marijuana-related businesses; and

WHEREAS, a major barrier to marijuana-related businesses is access to capital and secure transactions via depository institutions; and

WHEREAS, because of this obstacle to traditional banking services, hundreds of marijuana-related businesses resort to keeping and transporting significant sums of money in the form of cash, increasing the opportunity for crime, tax evasion, and regulatory evasion; and

WHEREAS, to address this concern, the United States Senate Committee on Banking, Housing, and Urban Affairs approved the Secure and Fair Enforcement Regulation Banking Act (SAFER Banking Act of 2023), which now awaits a Senate floor vote; and

WHEREAS, the SAFER Banking Act of 2023 is cosponsored by Montana Senators Steve Daines and Jon Tester; and

WHEREAS, the SAFER Banking Act of 2023 prevents the penalization of depository institutions for providing services to marijuana-related businesses; and

WHEREAS, passage of the SAFER Banking Act of 2023 may help reduce threats of public safety, enable better monitoring of the financial activity and enforcement of legal marijuana-related businesses, and demonstrate respect for state authority to legislate in this area.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature of the State of Montana urges the United States Congress to pass the SAFER Banking Act of 2023.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Speaker of the United States House of Representatives, to the Majority Leaders and Minority Leaders of the United States House of Representatives and the United States Senate, and to each member of the Montana Congressional Delegation.

Adopted April 25, 2025

SENATE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOMMENDING THE LEGISLATURE'S CONSENT TO AND APPROVAL OF THE LONG-RANGE LEGISLATIVE BRANCH CAPITOL DEVELOPMENT PLAN.

WHEREAS, for decades the Montana Capitol building has suffered from overcrowding and constrained public access to the legislative process, with the past 20 years seeing exponentially increasing demands on the People's House; and

WHEREAS, with overwhelming support during the 2023 legislative session, the Montana Legislature passed and approved House Bill 856 that defined and allocated current space for the Legislature and the people of Montana in the Capitol and within the Capitol complex; and

WHEREAS, HB 856 also directed the Legislative Council, with consultation by the Legislative Finance Committee and the Legislative Audit Committee, to develop an updated Long-Range Legislative Branch Capitol Development Plan to determine and illustrate current and future Legislative Branch space needs; and

WHEREAS, the purpose of the long-range plan is to offer nonbinding options and recommendations for the Legislature to provide space needed for the legislative process to work effectively; and

WHEREAS, the long-range plan identified that the functional capacity of the historic Capitol building has been exceeded and that the existing space configuration is interfering with optimal effectiveness of the legislative process; and

WHEREAS, the findings in the long-range plan concluded that additional space is needed and identified the following space needs in order of priority: hearing rooms to accommodate debate and public involvement in the legislative process, workspace for elected officials to facilitate legislation and improved public access, workspace for professional support staff, and workspace for temporary staff needed during the legislative session; and

WHEREAS, the long-range plan offers the Legislature a planning and feasibility template to guide the Legislature's long-range capital development decisions; and

WHEREAS, while the long-range plan recommendations indicate that additional space beyond what is currently allocated to the Legislature would be necessary to achieve the optimal space needs, additional study and legislative input will be needed to determine the most appropriate implementation plan going forward.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) Except as provided in subsection (2), that the 69th Montana Legislature consents to and approves the Long-Range Legislative Branch Capitol Development Plan as recommended by the Legislative Council.

(2) That the 69th Montana Legislature does not consent to or approve any future option as provided for in the Long-Range Legislative Branch Capitol Development Plan to construct a new building to accommodate additional space needs of the Legislature.

Adopted March 26, 2025

SENATE JOINT RESOLUTION NO. 7

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING UNIVERSITY SYSTEM SUPPORT FOR COLLEGIATE SHOOTING SPORTS IN THE MONTANA UNIVERSITY SYSTEM.

WHEREAS, Montana has a long and honorable tradition of appropriate and constitutionally recognized firearms use; and

WHEREAS, firearms and shooting are a common ingredient of contemporary life in Montana; and

WHEREAS, shooting sports are acceptable competitive activities throughout the world and in the Olympics; and

WHEREAS, shooting sports are not recognized in the Montana University System as intermural, club, or intercollegiate sports; and

WHEREAS, Montana produces an unusual number of excellent competitive shooters who accept shooting scholarships at out-of-state colleges and universities because no shooting sports programs or scholarships are available in the Montana University System; and

WHEREAS, shooting sports in Montana currently enjoy a safety record that cannot be matched by most other organized sports; and

WHEREAS, shooting sports include a variety of activities, such as trap, skeet, sporting clays, smallbore, air rifle, air pistol, biathlon, pentathlon, practical pistol, precision rifle, and archery; and

WHEREAS, shooting sports are an area of competition in which the units of the Montana University System can compete on equal footing with other institutions of higher education; and

WHEREAS, studies demonstrate that students involved in shooting competition also excel academically; and

WHEREAS, shooting sports are an area of competition that promotes excellence and meaningful participation, regardless of size, experience, sex, race, or even some physical disadvantages.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Montana Legislature encourages the Board of Regents and the units of the Montana University System to adopt and facilitate shooting sports competitions as collegiate sports.

(2) That the Montana Legislature encourages the units of the Montana University System to utilize university resources and to also partner with nonuniversity personnel and entities to facilitate shooting sports competitions as collegiate sports.

(3) That the Montana Legislature encourages the units of the Montana University System to develop endowments and offer scholarships for enrolled students competing in shooting sports.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Board of Regents and to the leaders of all public colleges and universities in Montana.

Adopted February 18, 2025

SENATE JOINT RESOLUTION NO. 8

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF SPECIAL DISTRICTS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the Governor's Property Tax Task Force recommended a study of special districts; and

WHEREAS, the Department of Revenue data shows collections from special districts account for about 10% of total statewide mill-based property tax collections; and

WHEREAS, some special districts are funded with fees that are not based on a mill levy.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee to:

(1) categorize the different types of special districts;

(2) understand how special district funding varies and whether special districts are subject to 15-10-420;

(3) improve available data about special districts, such as their purpose, geographic area, governing entity, funding mechanism, revenue, and spending;

(4) consider whether there should be limits on special districts; and

(5) review whether current reporting requirements for special districts are sufficient.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted February 18, 2025

SENATE JOINT RESOLUTION NO. 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DECLARING THAT THE FISCAL AND MONETARY POLICIES OF THE FEDERAL GOVERNMENT ARE HARMING THE PEOPLE OF MONTANA AND THE

UNITED STATES, AND URGING CONGRESS TO DISCIPLINE ITSELF AND ADDRESS THE ONGOING DEFICITS AND DEBT OF THE UNITED STATES BEFORE THERE IS NO LONGER ANY REMEDY TO AVOID HYPERINFLATION OR A DEFAULT ON THE DEBT OF THIS COUNTRY.

WHEREAS, the federal debt of the United States has increased from $21.2 trillion in 2016 to $36.3 trillion as of 2025, equaling 121% of the nation's gross domestic product; and

WHEREAS, the federal debt of the United States is expected to exceed $55 trillion by 2034; and

WHEREAS, interest payments on federal debt have increased from $260 billion in 2016 to $1.1 trillion in 2024, totaling 45% of federal income tax revenue and a 30% increase from 2023; and

WHEREAS, the national deficit for fiscal year 2024 was $1.8 trillion; and

WHEREAS, federal borrowing costs are expected to be $1.47 trillion for the first 6 months of fiscal year 2025 and $19.5 trillion over the next 10 years; and

WHEREAS, the United States debt service reached 3.95% of gross domestic product in fiscal year 2024, and gross domestic product growth is only projected at 1.8% for the next decade; and

WHEREAS, only four times in the past 48 years has Congress managed to pass a budget on time; and

WHEREAS, Social Security, Medicare, and Medicaid are currently running annual deficits of $1.17 trillion a year; and

WHEREAS, the International Monetary Fund has warned the United States that increased government spending, growing public debt, and loose fiscal policy are leading to elevated interest rates and sustained inflation; and

WHEREAS, sustained inflation and interest rates have led to crippling price increases on essential food, transportation, energy, and housing, harming Montanans and American consumers; and

WHEREAS, inflationary theft that has been caused by the loose monetary policy and fiscal recklessness of Congress is immoral, repugnant, and devastating to those who are least able to afford it; and

WHEREAS, expansive fiscal and monetary policy rewards the government, corporations, and wealthy investors at the expense of the middle class and to the detriment of real growth; and

WHEREAS, the people of Montana and the United States have grave concerns about the ability of our military to protect our nation from foreign adversaries and our citizens' ability to provide the most basic necessities for their families.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the United States Congress address the exigent needs of our nation and take immediate and decisive action to devise disciplined fiscal rules, such as the gold-linked dollar and a balanced budget amendment to the United States Constitution.

(2) That the legislatures of the several states join with the State of Montana and send their own unique resolutions to the United States Congress demanding action to address the fiscal vulnerabilities of the United States and the inflationary harm inflicted on its citizens by repeated failures to address mounting debt, deficits, and debt service being incurred by the federal government.

(3) That this resolution be sent to the Montana Congressional Delegation, including Senator Daines, Senator Sheehy, Representative Zinke, and Representative Downing, and the presiding officers and the Majority and

Minority Leaders of each chamber of the legislature of each state and the Governor of each state.

Adopted March 25, 2025

SENATE JOINT RESOLUTION NO. 10

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING AND COMMENDING THE NATIONAL CONFERENCE OF STATE LEGISLATURES ON ITS 50TH ANNIVERSARY FOR PROVIDING EXCEPTIONAL LEADERSHIP AND COMMITMENT TO STATE LEGISLATORS, LEGISLATIVE STAFF, AND LEGISLATIVE INSTITUTIONS.

WHEREAS, our nation's state legislatures are America's laboratories of democracy that have continually demonstrated that they are ideal organizations to resolve difficult policy choices and tackle emerging challenges; and

WHEREAS, the National Conference of State Legislatures (NCSL) was created in 1975 from the merger of three organizations that served or represented state legislatures and shared the belief that legislative service is one of democracy's worthiest pursuits; and

WHEREAS, NCSL has evolved during the past half-century to become the premier organization solely dedicated to serving state and territorial legislatures and legislative staff; and

WHEREAS, NSCL is a bipartisan organization with three objectives: to advance the effectiveness, independence, and integrity of state legislatures, to foster interstate communication and cooperation, and to ensure states have a strong, cohesive voice in the federal system; and

WHEREAS, state legislatures are comprised of diverse legislators who find common ground and resolve complex issues even though they represent constituents from different communities and backgrounds; and

WHEREAS, NCSL helps facilitate an exchange of ideas, provides critical research and information, and encourages a rigorous review of complex problems confronting our communities, state, and nation; and

WHEREAS, NCSL creates opportunities for state legislatures to have a cohesive voice in the federal system; and

WHEREAS, Montana Sen. Antoinette Rosell served as a founding member of the NCSL Executive Committee, 1974-1975; and

WHEREAS, other Montana state legislators have enjoyed a mutually beneficial, professional association with NCSL while serving as members of the NCSL Executive Committee:

Rep. Robert Marks, 1978-1979
Sen. Bea McCarthy, 2002-2004
Sen. Elsie Arntzen, 2010-2013
Rep. Art Wittich, 2014-2016
Rep. Ellie Hill Smith, 2016-2018
Rep. Marilyn Ryan, 2018-2021
Sen. Barry Usher, 2021-present, currently serving as Vice Chair; and

WHEREAS, various Montana legislative staff members have each made important contributions to NCSL through their service as members of the NCSL Executive Committee:

Susan Byorth Fox, Executive Director, Legislative Services
Sonia Gavin, Legislative Librarian, Legislative Services
Rachel Weiss, Research Director, Legislative Services; and

WHEREAS, Susan Byorth Fox, Executive Director, Legislative Services, was a founding member of the NCSL Research, Editorial, Legal and Committee Staff section in 2016; and

WHEREAS, recent Montana legislative staff and lawmakers have served in leadership roles within NCSL, contributing to NCSL's voice in the federal system and the professional development of their colleagues across the country:

Sen. Elsie Arntzen, Co-Vice Chair, Natural Resources and Infrastructure Committee

Amy Carlson, President, National Association of Legislative Fiscal Offices

Marilyn Daumiller, Staff Co-Chair, Health and Human Services Committee

Rep. Llew Jones, Co-Chair, NCSL Education Committee; Chair NCSL Budget Working Group

Pad McCracken, Staff Co-Chair, Education Committee

Marilyn Daumiller, Staff Co-Chair, Human Services and Welfare Committee

Susan Byorth Fox, Staff Co-Chair, Legislative Effectiveness Committee, Staff Co-Chair, NCSL Standing Committees

Senator Kristin Hansen, Co-Vice Chair, Education Committee

Rep. Frederick Moore, Co-Vice Chair, Health and Human Services Committee

Megan Moore, Staff Vice Co-Chair, NCSL Budgets and Revenue Committee

Patricia Murdo, Staff Co-Chair, Communications, Financial Services and Interstate Commerce Committee

Bradley Murfitt, Executive Board, National Legislative Services and Security Association

Hope Stockwell, Staff Co-Chair, Natural Resources and Infrastructure Committee

Joe Triem, President-Elect, National Association of Legislative Fiscal Offices

Sen. Barry Usher, Co-Chair, NCSL Law and Public Safety Committee

Rachel Weiss, Staff Co-Chair, NCSL Elections and Redistricting Committee; Immediate Past Chair, Research, Editorial, Legal and Committee Staff Association; Staff Co-Vice Chair, NCSL Overall Standing Committee; and

WHEREAS, at least 10 Montana legislative staff have completed NCSL's prestigious and competitive leadership development program for legislative staff, called the Legislative Staff Management Institute; and

WHEREAS, at least 12 Montana legislative staff and lawmakers have completed an NCSL Fellowship program:

Rep. Laurie Bishop, Maternal and Child Health Fellow

Rep. Mary Caferro, Maternal and Child Health Fellow

Rep. Jennifer Carlson, Child Welfare Fellow

Rep. Jane Gillette, Maternal and Child Health Fellow, Early Childhood Fellow

Sen. Carl Glimm, Opioid Policy Fellow

Sen. Ryan Lynch, Pretrial Policy Fellow

Sen. Edie McClafferty, Early Childhood Fellow

Pad McCracken, Early Childhood Fellow

Rep. Sharon Stewart Peregoy, Early Childhood Fellow

Rep. Amy Regier, Opioid Policy Fellow

Sen. Laura Smith, Opioid Policy Fellow, Early Childhood Fellow

Sen. Barry Usher, Pretrial Policy Fellow; and

WHEREAS, NCSL provides opportunities for state legislators and staff to better understand and appreciate the important role they play in preserving

and protecting legislative institutions as effective, independent, and ethical organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana does hereby recognize and commend the National Conference of State Legislatures for its exceptional leadership and commitment to state legislators, legislative staff, and legislative institutions.

BE IT FURTHER RESOLVED, that the Legislative Services Division send a copy of this resolution to NCSL.

Adopted April 23, 2025

SENATE JOINT RESOLUTION NO. 11

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF FARMER'S MARKETS AND LOCAL FOOD SYSTEMS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, farmer's markets contribute to local economic growth by supporting small-scale agriculture and entrepreneurship; and

WHEREAS, farmer's markets provide opportunities to strengthen and secure resilient food systems through direct producer-to-consumer sales; and

WHEREAS, farmer's markets promote access to fresh, nutritious foods improving public health outcomes; and

WHEREAS, farmer's markets play a critical role in bolstering local food systems as a matter of national security by reducing dependency on external supply chains, enhancing self-sufficiency, and ensuring food availability during crisis or disruptions.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to examine farmer's markets and food systems in the state of Montana for the purpose of promoting regional food system infrastructure and coordination.

BE IT FURTHER RESOLVED, that the interim committee:

(1) collaborate on this issue with relevant stakeholders, including but not limited to:

(a) small-scale agricultural producers;
(b) farmer's market organization representatives;
(c) city or county public health experts;
(d) economic development specialists;
(e) food systems experts;
(f) tribal government representatives;
(g) representatives with expertise in food systems and national security;
(h) the Department of Public Health and Human Services;
(i) the Department of Agriculture; and
(j) the Montana State University-Bozeman extension service.

(2) study the current economic impact of farmer's markets in Montana;

(3) review barriers to growth and opportunities for farmer's market improvement, including analyzing infrastructure, market access, regulatory frameworks, and statutory definitions;

(4) study the impact, opportunities, and challenges of the Montana Local Food Choice Act, as provided in Title 50, chapter 49, part 2, MCA, and the state cottage food laws provided in Title 50, chapter 50, MCA;

(5) study the role of farmer's markets in advancing food security and nutrition, especially in underserved areas;

(6) review contributions of farmer's markets to local and regional food system resilience, focusing on national security concerns related to food supply disruptions;

(7) review current statutes governing consumer protection and liability for food producers and markets;

(8) study potential collaborations between local governments, nonprofit organizations, and private entities to support farmer's markets; and

(9) study strategies to integrate farmer's markets into broader rural and community development initiatives.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th legislature.

Adopted April 17, 2025

SENATE JOINT RESOLUTION NO. 12

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON ELECTRIC TRANSMISSION CAPACITY ON PATHS 8, 18, 80, AND 83 TO ANALYZE THE ECONOMIC IMPACT ON MONTANA'S CITIZENS AND INDUSTRY DUE TO THE OBSERVED CONGESTION AND CURTAILMENTS OF TRANSMISSION PATHWAYS; AND REQUIRING THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Montana has the best resources for renewable energy in the West, and the demand for Montana's renewable energy generation is increasing; and

WHEREAS, lack of access to lower-cost power in Montana has already resulted in the loss of large industrial employers in the state and inhibits the ability to attract new businesses to Montana; and

WHEREAS, large industrial users of electricity wish for more options in requests for proposals to address electricity needs; and

WHEREAS, Montana's neighboring states have more robust transmission infrastructure and available capacity than Montana, and the state's energy infrastructure may become inadequate to serve demand; and

WHEREAS, a secure, reliable, and resilient power grid that integrates generation resources serves as a foundation for an affordable and reliable power supply, a growing economy, and national security; and

WHEREAS, regulators, policymakers, citizens, and industry expect generating resources and the grid to perform reliably.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) investigate issues relating to the available transmission capacity on transmission paths 8, 18, 80, and 83;

(2) analyze the economic impact to Montana's citizens and industry due to the observed congestion and curtailments on Montana transmission paths;

(3) identify and measure the resources in interconnection queues of Montana's transmission service providers;

(4) sample the depth of market and power supply pricing for Montana's large loads; and

(5) suggest specific transmission capacity upgrades, and associated cost-benefit analysis, required to maintain a reliable, affordable electric supply for Montana's citizens and industry.

BE FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 18, 2025

SENATE JOINT RESOLUTION NO. 13

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF STATEWIDE EMERGENCY MEDICAL SERVICES PLANNING, COORDINATION, AND FUNDING TO ENSURE THE EQUITABILITY OF EMERGENCY MEDICAL SERVICES THROUGHOUT MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, emergency medical services are essential to a well-functioning health system, providing services such as life-saving treatment, patient transport, and community health outreach; and

WHEREAS, reliable emergency medical services response throughout Montana is vital to the well-being of residents, workers, and visitors; and

WHEREAS, Montana currently lacks a comprehensive and equitable statewide emergency medical services planning, coordination, and funding system under Title 50, chapter 6, MCA, to ensure the reasonable availability of emergency medical services throughout the state; and

WHEREAS, rural emergency medical services are strained, with demand increasing due to population growth, changing demographics, and tourism; and

WHEREAS, local emergency medical services agencies, particularly those in rural areas, face rising costs that exceed their resources and capabilities, jeopardizing their ability to meet increased demand for emergency medical services and ensure readiness for residents and visitors; and

WHEREAS, funding is often inconsistent or rigid, which fails to ensure that the quality and quantity of emergency medical services needed in various

parts of the state align with the present and anticipated future demands for services; and

WHEREAS, lack of adequate funding or other critical resources has caused and is causing numerous problems, including but not limited to service calls with delayed response time, inadequate resources to provide care, and, in extreme cases, the complete shutdown of a fire department and their related emergency medical services.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) consider the implications of recognizing emergency medical services as a statewide essential service;

(2) assess current emergency medical services capabilities relative to present and anticipated future demands for services over the next 5 years;

(3) identify areas of the state with a recognized lack of emergency medical services and examine the reasons for the lack of services;

(4) review and assess current funding mechanisms available to emergency medical services providers;

(5) coordinate with each county and the department of public health and human services to determine the additional resources needed to ensure the timely and appropriate provision of emergency medical services in each county for the upcoming 5 years.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 24, 2025

SENATE JOINT RESOLUTION NO. 16

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE FEDERAL GOVERNMENT TO ENSURE THE SAFETY OF AUTOMATED VEHICLES.

WHEREAS, automated driving system-equipped vehicles, sometimes called "partially autonomous vehicles", are an increasingly prevalent aspect of vehicular traffic; and

WHEREAS, automated driving system-dedicated vehicles, sometimes called "fully autonomous vehicles", may soon be on roadways in significant numbers; and

WHEREAS, widespread use of automation may significantly reduce traffic accidents in the future, but the transition to increased automation poses challenges, and road and weather conditions in Montana pose special challenges; and

WHEREAS, Montana has the highest rate of live animal-related fatal car crashes in the United States due to the abundance of both wildlife and livestock on roadways, which poses a unique challenge for automated vehicles; and

WHEREAS, the federal government is in the best position to regulate safety standards for vehicle automation due to the interstate commerce clause of the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature urges the United States Congress and the federal Department of Transportation to adopt laws and rules that ensure automated vehicles are capable of operating safely in all weather conditions, including conditions that cover the roadway in snow or ice, and are capable of operating safely in all road conditions, including mountain passes and roads through the open range.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation, the members of the Transportation and Infrastructure Committee of the United States House of Representatives, the members of the Commerce, Science, and Transportation Committee of the United States Senate, and the Secretary of Transportation.

Adopted April 24, 2025

SENATE JOINT RESOLUTION NO. 18

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE FAIR TREATMENT OF RECREATIONAL NEEDS AT FLATHEAD LAKE.

WHEREAS, Flathead Lake is Montana's largest freshwater lake and the 79th largest of its type in the world, measuring 191 square miles in area, up to 370 feet deep, with 187 miles of shoreline; and

WHEREAS, fed by the Flathead and Swan Rivers, the lake is considered one of the cleanest in the world and is home to many fish species, including bull trout, westslope cutthroat trout, lake trout, whitefish, and perch, and has other features, such as wetlands, riparian corridors, and floodplains; and

WHEREAS, Flathead Lake is a major destination for sailing, motorboating, waterskiing, swimming, fishing, picnicking, and camping and is enjoyed at 13 public access sites, one state park on an island, and hundreds of private and public boat docks; and

WHEREAS, although federal regulations require the lake to be brought to full pool by June 15 for summer recreation, decisions by federal agencies, dam operators, and interests outside the Flathead Lake basin have lowered the pool level, rendering it mostly unusable for thousands of citizens who live on and near it; and

WHEREAS, the ongoing renegotiation of the Columbia River Treaty presents an opportunity to improve management of the lake to optimize its use for those who live on or near it; and

WHEREAS, the U.S. Army Corps of Engineers' Columbia River System Operations planning defines operating procedures for each dam in the Columbia River system, including the Hungry Horse and Seli'š Ksanka Qlispé dams, to manage pool levels for floods, fish passage and spawning, recreation, water quality, and power generation; and

WHEREAS, the Technical Management Team for the Columbia River Basin, composed of representatives from five federal agencies, eight Indian

tribes, and four states, including Montana, has made decisions in recent years counter to the recreational interests of Flathead Lake users.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Montana Legislature requests:

(1) all decision-making bodies with an influence on the usability of Flathead Lake ensure that recreation needs be measured fairly compared to hydropower, fish, and irrigation demands; and

(2) that Flathead Lake recreation needs be expressly reflected in the next iteration of the Columbia River Treaty and in the next round of the Columbia River System Operations planning.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the U.S. Army Corps of Engineers for distribution to the Technical Management Team for the Columbia River Basin, and to the United States and Canadian entities for distribution to those negotiating the Columbia River Treaty, including the Bonneville Power Administration, the U.S. Army Corps of Engineers, and the British Columbia Hydro and Power Authority, and to each federally recognized tribal government in Montana.

Adopted April 24, 2025

SENATE JOINT RESOLUTION NO. 19

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON WAYS TO IMPROVE PASSENGER TRANSPORTATION SERVICE AND PUBLIC TRANSIT IN MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, passenger rail, passenger air, public transit, and passenger bus services provide mobility for senior citizens, persons with disabilities, students, tourists, and businesspeople; and

WHEREAS, some communities in the state are poorly served by public transportation, and options for passenger transportation services in the state continue to decline; and

WHEREAS, the Hi-Line is Montana's major northern transportation corridor, consisting of U.S. Highway 2 and the BNSF Railway, and yet the local residents face challenges with the available methods of transportation. Air travel is another key method of transportation for Hi-Line residents to get to hospital appointments in Billings over 200 miles south in a timely manner, and the residents would benefit from increased air travel locations and options; and

WHEREAS, if state services are unavailable, many Montanans need local, tribal, or county transportation services for help getting to appointments for medical or other physical needs; and

WHEREAS, the Amtrak North Coast Hiawatha ceased operation through southern Montana in 1979, and transportation to and from the major population centers of southern Montana would be greatly enhanced by passenger rail service; and

WHEREAS, additional passenger transportation services will increase passenger transportation-related employment opportunities because of the need for upgraded infrastructure and operating personnel; and

WHEREAS, tourism is the State of Montana's second-largest industry and would be enhanced by improved passenger transportation services and public transit; and

WHEREAS, the Amtrak Empire Builder is one of the most popular long-distance passenger trains in the United States, and it is greatly needed for the citizens of Montana's Hi-Line who have limited public transportation options, but it is challenged by a lack of rail capacity that results in frequent delays; and

WHEREAS, there is currently no board or commission within the state that is charged with the sole responsibility of overseeing and advocating for passenger transportation services, including passenger rail, passenger air, public transit, and passenger bus services; and

WHEREAS, autonomous vehicles may provide one option for transportation needs in the state in the future, and more studies are needed to determine whether laws need to be updated to accommodate autonomous vehicles and to determine whether policies are necessary to address safety, licensing, and other issues of public concern.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to investigate ways to improve passenger transportation and public transit services in the state, including but not limited to the establishment of a passenger transportation commission and a review of applicable laws that may need updating to allow the use of autonomous vehicles and provide for public safety.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 24, 2025

SENATE JOINT RESOLUTION NO. 20

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE 80TH ANNIVERSARY OF THE END OF WORLD WAR II AND MONTANA'S VETERANS OF THAT WAR.

WHEREAS, Montana's 163rd Infantry Regiment, 41st Sunset Infantry Division, know to the world as the Fighting Jungleers, was called to active duty on September 16, 1940, for 1 year of training; and

WHEREAS, on December 7, 1941, the United States came under attack by Japanese forces at Pearl Harbor and locations throughout the Pacific, with the United States declaring war on December 8, 1941, and subsequently declaring war on Germany and Italy; and

WHEREAS, the largest ever mobilization of American power took place, ultimately calling up over 15 million U.S. men and women to serve from 1941 to 1946. Over 75,000 Montanans served as a key part of that force and over

6,000 Montana women volunteered to serve in the various military services and auxiliary services in World War II, including the Women's Army Auxiliary Corps (WAAC), Women's Army Corps (WAC), Army Nurse Corps (ANC), United States Navy Reserve (women's reserve), Women Accepted For Volunteer Emergency Service (WAVES), Women's Reserve of the Coast Guard (SPARS), Women Airforce Service Pilots (WASP), Public Health Service (PHS), and the Cadet Nurse Corps (CNC); and

WHEREAS, many thousands of Native American men and women of Montana served in all major elements of the United States military during World War II with honor and great patriotism. They served as infantryman, code talkers, air crewman, nurses, and many other roles throughout all branches of the United States military. The 163rd Infantry Regiment had over 230 Native Americans as members, representing the eight tribal nations located in Montana, all of whom fought with distinction as Jungleers; and

WHEREAS, the 163rd Infantry Regiment, Montana National Guard, and 41st Infantry Division served with distinction at Fort Lewis and various locations on the West Coast of the United States until their departure to Australia in April 1942 as a part of the Southwest Pacific Command, going on to fight in the Pacific Theater of World War II; and

WHEREAS, Montana's 163rd Infantry Regiment was recognized as the first U.S. unit to defeat Imperial Japanese forces at the Battle of Sanananda, Papua New Guinea, in January 1943. They were subsequently recognized by the 28th Montana Legislative Assembly through resolution and were the inspiration for a famous painting by Irwin "Shorty" Shope in April 1943; and

WHEREAS, the 163rd Infantry Regiment served in the Pacific Theater in three major campaigns: the Papuan Campaign in 1943, where they won epic battles at Sanananda, Gona, and Kumusi River; the New Guinea Campaign in 1944, where they won the battles of Aitape, Wadke, and "Bloody" Biak; and the Southern Philippines Campaign in 1945, where they won battles at Zamboanga, Sanga-Sanga Island, Jolo, and captured the key village of Calinan from seasoned Japanese land forces, stopping only because hostilities were ceased due to the dropping of atomic weapons at Hiroshima and Nagasaki, Japan. They then became an occupation force on the Japanese mainland before being demobilized in Japan on January 1, 1946, and sent home after over 5 years of active duty; and

WHEREAS, the First Special Service Force, a unique joint US-Canadian special operations force, was secretly formed at Fort William Henry Harrison near Helena, Montana, in April through July 1942, to organize and train for the mission known as Operation Plough; and

WHEREAS, the First Special Service Force went on to serve in both the Pacific Theater and the European Theater, where they fought in the Aleutians Campaign 1943, the Naples-Foggia Campaign 1943-1944, the Anzio Rome-Arno Campaign 1944, recognized as being the first unit into Rome on June 4, 1944, the Southern France Campaign, and the Rhineland Campaign. They were inactivated December 5, 1944, at Villeneuve-Loubet, France, without losing a battle and with battle casualties equivalent to 137% of its strength. The members went on to serve in the 474th Infantry Regiment in Norway through the end of the European conflict as well as with other historical military units such as the 45th Infantry Division; and

WHEREAS, Camp Rimini War Dog Reception and Training Center was established in late 1942 west of Helena at a former Civilian Conservation Corps site, where over 800 dogs and their handlers trained as a part of the effort to disrupt the Axis powers. Unit members would go on to acquit themselves in

places along great circle military air routes as search and rescue and providing specialized transport in remote areas of the Northern Hemisphere; and

WHEREAS, the Army Air Force organized and trained bomber forces throughout Montana at such locations as Great Falls, Lewistown, and Cutbank from 1941 to 1945, training personnel in the use of heavy bombers that were ultimately deployed to both the European and Pacific Theaters of World War II; and

WHEREAS, the 7th Ferrying Command, Air Transport Command, was formed at what is now the Great Falls International Airport and at what is now Malmstrom AFB, to carry out the mission of providing aircraft and critical supplies to our allies over the great circle route, a critical part of global war air operation of World War II; and

WHEREAS, specialized units such as the first all-Black airborne unit, the 555th Parachute Battalion, known as the Triple Nickels, trained and served in Montana at Missoula fighting forest fires throughout Montana and the Northwest; and

WHEREAS, the people of Montana overwhelmingly supported the World War II efforts in many ways on the home front, providing food and other strategic supplies and minerals and meeting or exceeding the quotas for the eight war bond drives; and

WHEREAS, the population of Montana in 1941 was 558,000 people and only 514,000 in 1946; and

WHEREAS, Montanans supported, fought, died, and were wounded in all theaters of World War II. Joseph Howard Kinsey wrote in his text "High, Wide and Handsome": "--of the more than 15 million men and women in the US Armed forces during World War II, Montana furnished 75,000 to the effort."; "Proportionately this was near the top of all states. In World War II as in World War I, Montanans were quick to enlist, and they were healthy; the proportion rejected because of physical defect was smaller than the national average. Further the Montana death rate in World War II was only exceeded by that of New Mexico in proportion to population. Montana [also] had the record of oversubscribing first in eight World War II saving bond drives."

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature of the State of Montana recognizes the 80th anniversary of the end of World War II and recognizes all Montanans who served in the armed forces, at home and abroad, and all Montanans who aided in the war effort during World War II.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Governor of Montana, the Department Commander of the American Legion of Montana, the State Commander, the State Senior Vice Commander, the State Junior Vice Commander, and the State Adjutant/Quartermaster of the Veterans of Foreign Wars of Montana, the State Commander of the Disabled American Veterans of Montana, the Secretary of Veterans Affairs, each of the federally recognized tribal governments in Montana, and each member of the Montana Congressional Delegation.

Adopted April 25, 2025

SENATE JOINT RESOLUTION NO. 21

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON INTERSTATE POWER GRID DEVELOPMENT; AND

REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the modernization and expansion of electric transmission infrastructure is essential to ensuring a secure, reliable, and cost-effective energy supply for Montana and its neighboring states; and

WHEREAS, restrictive and anticompetitive policies in certain jurisdictions hinder the development of necessary transmission projects, resulting in increased costs to ratepayers and inefficiencies in energy markets; and

WHEREAS, the establishment of an interstate compact could facilitate a cooperative framework among states to enhance market-driven solutions, reduce regulatory barriers, and encourage open bidding processes for new transmission projects; and

WHEREAS, a comprehensive study is necessary to evaluate the potential benefits, legal considerations, and implementation strategies of an interstate compact to ensure equitable access to transmission infrastructure and cost-sharing mechanisms that fairly allocate expenses among all beneficiaries; and

WHEREAS, an interstate compact should adhere to key principles, including technology neutrality, uniform siting and certification processes, streamlined permitting, and the promotion of grid-enhancing technologies to maximize efficiency and minimize costs; and

WHEREAS, the Federal Energy Regulatory Commission's order RM99-2-000 encourages state adoption of regional transmission organizations and interstate compacts to enhance market efficiency, improve reliability, facilitate just and holistic energy transmission pricing, and streamline electric transmission pricing; and

WHEREAS, President Donald J. Trump declared a national energy emergency on January 20, 2025, and through his public statements and executive orders encouraged a national energy policy focused on increasing energy production, enhancing infrastructure, and reducing regulatory barriers to support economic growth, emerging technologies, and national security, including the establishment of a National Energy Dominance Council to further increase United States energy production, aiming to enhance the interconnectivity and robustness of the energy infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

aThat the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) evaluate the legal and regulatory framework for Montana to participate in new cooperative interstate agreements for electric transmission;

(2) examine the potential economic benefits and cost implications of a compact for Montana ratepayers and industries;

(3) assess how an interstate compact can incorporate market-based principles to maximize competition and minimize costs for consumers;

(4) explore best practices from other states and regional transmission organizations that have implemented similar cooperative agreements;

(5) consider mechanisms to streamline the permitting process and eliminate duplicative regulatory requirements for transmission projects;

(6) analyze the implications of federal regulatory requirements and how an interstate compact or similar arrangements may facilitate compliance while preserving state sovereignty; and

(7) engage and consider input from relevant stakeholders, including representatives from the energy industry, consumer advocacy groups, regulatory agencies, and legal experts.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 24, 2025

SENATE JOINT RESOLUTION NO. 25

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO IMPLEMENT COUNTRY-OF-ORIGIN LABELING FOR BEEF AND PORK PRODUCTS.

WHEREAS, the United States Congress amended the Agricultural Marketing Act of 1946 to require that retailers notify customers who are purchasing covered commodities, including beef and pork, of the commodities' origin by means of a country-of-origin label; and

WHEREAS, in December 2015, Congress removed mandatory country-of-origin labeling requirements for only beef and pork while all other food products require country-of-origin labeling; and

WHEREAS, consumers want to know the origin of their food, and United States and Montana producers want consumers to know the origin of their food; and

WHEREAS, transparent and accurate country-of-origin labeling will contribute to a competitive marketplace for American producers and consumers; and

WHEREAS, on February 5, 2025, U.S. Senate Majority Leader John Thune (R-S.D.) introduced the American Beef Labeling Act of 2025, which would reinstate federal mandatory country-of-origin labeling for beef.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Montana Legislature urges Congress to pass a federal mandatory country-of-origin labeling law for beef and pork products.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member of the Montana Congressional Delegation, the Governor, the Secretary of the United States Department of Agriculture, and the United States Trade Representative.

Adopted April 25, 2025

SENATE JOINT RESOLUTION NO. 26

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO PROHIBIT THE TRADING OF INDIVIDUAL

STOCKS BY MEMBERS OF CONGRESS AND THEIR IMMEDIATE FAMILIES.

WHEREAS, the citizens of the United States expect that their elected representatives act in the public interest and not for personal financial gain; and

WHEREAS, members of the United States Congress have access to sensitive, nonpublic information and wield significant influence over legislation and regulatory actions that can directly impact the stock market and individual companies; and

WHEREAS, public trust in government is undermined when members of Congress engage in stock trading, creating the appearance or reality of conflicts of interest, insider trading, and self-dealing; and

WHEREAS, prohibiting members of Congress and their immediate families from trading individual stocks would strengthen ethical standards, restore public confidence in government institutions, and affirm Congress's commitment to serving the American people above personal financial interests; and

WHEREAS, numerous bipartisan proposals have been introduced in Congress to address this issue, reflecting widespread agreement across the political spectrum that stronger restrictions on congressional stock trading are necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature of Montana urges the United States Congress to pass a law prohibiting the trading of individual stocks by members of Congress and their immediate families to restore the American people's confidence in government institutions.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the United States Senate Majority Leader and Minority Leader, the United States House Majority Leader and Minority Leader, and to each member of the Montana Congressional Delegation.

Adopted April 25, 2025

SENATE JOINT RESOLUTION NO. 27

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO TAKE ACTION REGARDING LIVESTOCK BRUCELLOSIS VACCINATIONS.

WHEREAS, brucellosis, also known as "Contagious Abortion" or "Bang's Disease," is the most common zoonotic disease, described by the United States Department of Agriculture as "a contagious, infectious, and communicable disease, primarily affecting cattle, bison, and swine, and is caused by bacteria of the genus Brucella;" and

WHEREAS, brucellosis is known to cause stillbirth, loss of young, reduced milk production, and infertility in livestock; and

WHEREAS, there are no successful, affordable treatments for brucellosis in livestock, meaning that vaccination is the only available method of control or prevention of brucellosis; and

WHEREAS, the Montana Legislature maintains that it is in the best interest of all Montanans to have protection from the highly infectious Brucellosis disease; and

WHEREAS, the Montana Department of Livestock requires that all sexually intact female cattle or domestic bison 12 months of age or older in Beaverhead, Big Horn, Broadwater, Carbon, Gallatin, Jefferson, Madison, Park, Stillwater, and Sweet Grass counties must be vaccinated against brucellosis. These vaccination requirements apply to resident cattle in the listed Montana counties, as well as cattle seasonally grazing in the counties. Other department rule requires brucellosis testing when leaving the Designated Surveillance Area, summer grazing in the Designated Surveillance Area, or changing ownership; and

WHEREAS, the Colorado Serum Company located in Denver, Colorado, is the only producer of the Brucella abortus vaccine, strain RB-51, in the United States; and

WHEREAS, there is a shortage of availability of the brucellosis vaccine due to reported production problems coupled with shipping delays from the Colorado plant. In February 2025, North Dakota issued a temporary waiver of rule allowing the age of brucellosis vaccination to be extended from 12 months to 14 months for heifers due to the shortage of available vaccines.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature of the State of Montana urges the United States Congress to take meaningful action to increase the production and distribution of brucellosis vaccinations for livestock by enacting legislation that:

(1) expands the availability of brucellosis vaccinations for livestock;

(2) requires assistance to be provided to states for rapid response to any brucellosis outbreak; and

(3) provides funding opportunities, such as grant programs, to states for preventative brucellosis vaccinations in livestock.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, the United States Department of the Interior, the United States Bureau of Land Management, the United States Fish and Wildlife Service, each member of the Montana Congressional Delegation, and each federally recognized tribal government in Montana.

Adopted April 25, 2025

SENATE JOINT RESOLUTION NO. 28

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ETHICS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Article XIII, section 4, of the Montana Constitution states: "The legislature shall provide a code of ethics prohibiting conflict between public duty and private interest for members of the legislature and all state and local officers and employees"; and

WHEREAS, the Legislature enacted a code of ethics in 1977, which is codified in Title 2, chapter 2, part 1, MCA; and

WHEREAS, the Joint Rules of the Legislature, the Senate Rules, and the House Rules also provide ethics rules applicable to the Legislature; and

WHEREAS, under section 2-2-136(1)(a), MCA, the Commissioner of Political Practices has a role in the enforcement of the code of ethics but does not have jurisdiction for a complaint concerning a legislator if a legislative act is involved in the complaint; and

WHEREAS, the Senate Ethics Committee and the body of the Senate have considered ethical issues during this 69th legislative session and that experience may guide a study.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council study ethics issues. The study must include:

(1) developing a process grounded in legislative procedure for adjudicating ethics issues;

(2) determining where there are overlaps or gaps between the authority of the Legislature and the Commissioner of Political Practices; and

(3) considering revisions to the code of ethics and legislative rules that the Legislative Council considers necessary and expedient.

BE IT FURTHER RESOLVED, that all aspects of the study be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations, be reported to the rules committees of the 70th Legislature and to the 70th Legislature.

Adopted April 29, 2025

SENATE JOINT RESOLUTION NO. 29

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON COORDINATING EFFORTS BETWEEN THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND THE OFFICE OF PUBLIC INSTRUCTION TO ADDRESS THE IMPACTS OF PRENATAL EXPOSURE TO METHAMPHETAMINE AND FENTANYL ON CHILDREN; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, an increasing number of babies born in Montana have been exposed to methamphetamine and fentanyl in utero; and

WHEREAS, the long-term impacts of prenatal exposure to methamphetamine and fentanyl include an increased risk of developmental delays, cognitive impairments, and learning disabilities; and

WHEREAS, this increased risk can be further exacerbated in areas of concentrated poverty that are affected by generational trauma;

WHEREAS, the State-Tribal Relations Committee is the statutory committee charged with encouraging state-tribal cooperation and local government-tribal cooperation and with conducting interim studies as assigned;

WHEREAS, a coordinated effort between the Department of Public Health and Human Services and the Office of Public Instruction to address these long-term impacts holds the most promise in addressing the health and learning needs of children who had prenatal exposure to methamphetamine and fentanyl.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to examine how the Department of Public Health and Human Services and the Office of Public Instruction can best coordinate their efforts to address the health and learning needs of children who had prenatal exposure to methamphetamine and fentanyl.

BE IT FURTHER RESOLVED, that the committee:

(1) collaborate in this study with:

(a) the Department of Public Health and Human Services;

(b) the Office of Public Instruction;

(c) tribal governments;

(d) county and tribal health departments; and

(e) early childhood care providers and education providers.

(2) gather, compile, and review statistics on the number of children who had prenatal exposure to methamphetamine and fentanyl;

(3) investigate ways other states have addressed the health and learning needs of children who had prenatal exposure to methamphetamine and fentanyl; and

(4) develop proposals in collaboration with the Department of Public Health and Human Services and the Office of Public Instruction for a coordinated response to effectively address the health and learning needs of children who had prenatal exposure to methamphetamine and fentanyl.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 28, 2025

SENATE JOINT RESOLUTION NO. 33

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON THE ENTITIES WITHIN THE PRESCRIPTION DRUG SUPPLY CHAIN, PHARMACY SUSTAINABILITY, AND THE IMPACTS ON AFFORDABILITY AND PATIENT ACCESS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) examine and review the structure of the prescription drug supply chain in the state, including:

(a) pharmacies, pharmacy services administrative organizations, pharmacy benefit managers, manufacturers, providers, wholesalers, patients, and health plans;

(b) the roles, relationships, and decisionmaking authority of these stakeholders within the supply chain; and

(c) how those dynamics affect pharmacy operations, prescription drug affordability, and patient access, using aggregated, publicly available, or voluntarily provided data;

(2) identify factors contributing to pharmacy openings, closures, and patient accessibility, including economic pressures, staffing availability, business arrangements, and geographic considerations;

(3) explore targeted strategies to reduce patient costs and promote the sustainability of pharmacy operations, with particular attention to rural and underserved areas;

(4) assess the methods, best practices, technologies, and policy approaches employed by state-administered health plans in other states to address prescription drug affordability and access challenges and evaluate their relevance and applicability to Montana;

(5) ensure that the study does not request, compel, or rely on proprietary or confidential business information. All data considered must be aggregated, publicly available, or voluntarily provided with no expectation of confidentiality. Study methods must prioritize transparency, data integrity, and stakeholder trust while supporting meaningful policy evaluation.

(6) engage relevant stakeholders across the prescription drug supply chain, including but not limited to patients, providers, pharmacies, pharmacy services administrative organizations, pharmacy benefit managers, manufacturers, health plan sponsors, and health plans to ensure comprehensive and balanced input. Stakeholder feedback must be supported by citations, references, or source documentation sufficient to inform additional analysis and legislative consideration.

(7) develop and recommend statutory, regulatory, or rule changes as appropriate. Each recommendation must clearly identify how the proposal would:

(a) improve or protect patient access to essential medications;

(b) address cost impacts on patients, payers, and the state; and

(c) support the long-term sustainability of independent pharmacy operations.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 29, 2025

SENATE JOINT RESOLUTION NO. 35

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF VOTER LIST MAINTENANCE AND INTEGRITY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, voter lists are to contain only registered voters qualified to vote in elections; and

WHEREAS, election administrators in each county maintain their own voter lists; and

WHEREAS, some voters die, or become unqualified to vote in another way, and others change addresses, names, or other registration information without notifying the election administrator; and

WHEREAS, many absentee ballots are either not returned or are returned as undeliverable; and

WHEREAS, maintaining an up-to-date voter list containing only qualified voters is vital to election integrity; and

WHEREAS, maintaining an up-to-date voter list requires constant maintenance and innovation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature recognizes the importance of election integrity and requests that the Legislative Council designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to:

(1) study voter list maintenance in Montana, including the practices associated with maintaining these lists at the local level by county election administrators and at the state level by the Office of the Secretary of State;

(2) research practices used in other states and identify best practices;

(3) identify and correct inconsistencies and inadequacies in Montana election voter list maintenance programs that compromise election integrity;

(4) evaluate how state and local databases, such as those maintained by the Motor Vehicle Division, utility companies, courts, the Department of Corrections, and the Department of Public Health and Human Services, may be used to help maintain the accuracy of voter lists;

(5) evaluate how national databases, such as those maintained by the United States Postal Service, could be better utilized to help maintain the accuracy of voter lists;

(6) research what other federal data is available regarding citizenship and voting history that may be useful for maintaining the accuracy of voter lists;

(7) identify places in which state law needs to be reconciled with federal law; and

(8) develop legislation to address these issues and be introduced in the 70th legislative session.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including but not limited to election administrators, the Office of the Secretary of State, and concerned citizens.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

SENATE JOINT RESOLUTION NO. 36

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE STANDARDIZATION OF PROSECUTION IN

MATTERS OF DEPENDENT NEGLECT; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the handling of dependent neglect and child abuse cases in Montana varies across judicial districts, leading to inconsistencies in prosecution, defense representation, and case outcomes for children and families; and

WHEREAS, the Montana Standards of Practice for Attorneys Representing Parents and Children in Dependent Neglect Cases, established by the Montana Office of the State Public Defender, provide comprehensive guidelines to ensure high-quality legal representation, but no equivalent statewide standards exist for the prosecution of these cases; and

WHEREAS, a standardized framework for both the prosecution and defense of dependent neglect and child abuse cases would promote uniformity, fairness, equity, and due process protections for all parties involved, aligning with Montana's constitutional provisions and national best practices; and

WHEREAS, the Montana Department of Justice's Child Protection Unit currently prosecutes a limited number of child abuse and dependent neglect cases in certain judicial districts and in certain situations but could potentially expand to provide statewide prosecution services, ensuring consistency, specialized expertise, and equitable resource distribution in all counties and judicial districts; and

WHEREAS, expanding the Child Protection Unit's jurisdiction to handle all child abuse and dependent neglect cases would require an evaluation of the financial, logistical, and structural feasibility of an expansion, including the necessary legislative, budgetary, and operational changes; and

WHEREAS, creating a structure in which two state agencies, the Department of Justice's Child Protection Unit and the Department of Public Health and Human Services' Child and Family Services Division, work in a coordinated fashion could result in more consistent, applicable, and enforceable policies, enhancing legal outcomes and child protection outcomes; and

WHEREAS, Montana's existing public defender system and specific unit for dependent neglect cases emphasizes early and active engagement, best advocacy for the needs of the child, and adherence to client-directed representation, and any prosecution standardization efforts should incorporate corresponding principles to ensure balanced and just proceedings; and

WHEREAS, a legislative study is necessary to assess the need for standardized prosecution practices, the potential expansion of the Child Protection Unit, and the impact of these changes on the efficiency, fairness, and effectiveness of Montana's child welfare system.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to evaluate the standardization of prosecution in dependent neglect cases and the feasibility of expanding the Child Protection Unit's jurisdiction to handle all dependent neglect and child abuse cases statewide, with the goal of improving outcomes for children, ensuring due process for all parties, and enhancing the overall effectiveness, consistency, and equity of Montana's child welfare system.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

SENATE JOINT RESOLUTION NO. 37

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM SURVEY OF BEHAVIORAL HEALTH SERVICES IN THE STATE OF MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE SURVEY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, inpatient and outpatient mental health care is difficult to access in Montana; and

WHEREAS, the number of available providers in the state is too small to timely meet the needs of Montanans with mental health care needs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to complete a survey of the number and geographic distribution of:

(1) emergency detention beds for mental health crisis situations;

(2) beds available across the state for short-term crisis stabilization of mental health conditions;

(3) beds available for long-term, voluntary psychiatric treatment for adolescents and adults;

(4) providers available to stabilize individuals experiencing a mental health crisis;

(5) providers of ongoing services for mental health and maintenance; and

(6) psychiatrists and clinical psychologists licensed to practice in Montana.

BE IT FURTHER RESOLVED, that the assigned committee draft legislation to:

(1) increase the number of beds available for emergency detention, involuntary civil commitments, short-term crisis stabilization, and long-term, voluntary psychiatric treatment for adolescents and adults; and

(2) reduce barriers that prevent behavioral health care providers from serving Montanans, especially in rural areas.

BE IT FURTHER RESOLVED, that all aspects of the survey, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the survey, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

SENATE JOINT RESOLUTION NO. 42

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON NOXIOUS WEED CONTROL; REVIEWING THE POWERS OF THE DISTRICT WEED BOARD AND THE DISTRICT WEED

COORDINATOR IN ENFORCING NOXIOUS WEED COMPLIANCE; EXAMINING WAYS TO IMPROVE CLARITY AND CONSISTENCY OF EXISTING STATUTE; RESEARCHING AND PROVIDING A FRAMEWORK FOR OTHER METHODS OF NOXIOUS WEED CONTROL TO BE ADDED TO STATE LAW; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE IN THE FORM OF INTRODUCED LEGISLATION.

WHEREAS, noxious weeds are defined in section 7-22-2101, MCA, as "any exotic plant species established or that may be introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities"; and

WHEREAS, existing statutes regarding the control of noxious weeds are spread across no fewer than eight different titles in the Montana Code Annotated; and

WHEREAS, existing powers and responsibilities of the District Weed Board and the District Weed Coordinator in enforcing noxious weed compliance are unclear.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to:

(1) examine current state law and department rules related to the containment, suppression, and, where possible, eradication of noxious weeds in Montana, including but not limited to:

(a) weed and pest control in Title 7, chapter 22, MCA;

(b) weed control responsibility in Title 70, chapter 30, part 3, MCA;

(c) wild and scenic resources in Title 76, chapter 12, MCA, and rangeland resources in Title 76, chapter 14, MCA;

(d) administration of state lands in Title 77, chapter 1, parts 1 and 8, MCA;

(e) disease, pest, and weed control in Title 80, chapter 7, MCA;

(f) reclamation in Title 82, chapter 4, MCA;

(g) water use lease management in Title 85, chapter 1, part 8, MCA;

(h) Department of Fish, Wildlife, and Parks weed control on public lands in Title 87, chapters 1 and 5, MCA; and

(i) noxious weed management in Title 4, chapter 4.5, ARM;

(2) research currently available noxious weed control strategies, including herbicides, materials, and equipment;

(3) examine how other states have incorporated noxious weed control in statute, including the organization of statutes and the definitions involved, as well as enforcement, responsibilities, and penalties;

(4) propose legislation to:

(a) update terminology and definitions to be consistent with current industry standard practice; and

(b) modernize and reorganize archaic statute language for conformity with the Montana Bill Drafting Manual; and

(5) collaborate on this issue with relevant stakeholders, including but not limited to:

(a) current and former Montana district weed coordinators for weed management districts organized under section 7-22-2102, MCA;

(b) the Montana Weed Control Association;

(c) the Noxious Weed Management Advisory Council provided for in section 80-7-805, MCA;

(d) district weed boards created under section 7-22-2103, MCA;

(e) commercial applicators as defined in section 80-8-102, MCA;

(f) the Montana State University-Bozeman extension service;

(g) the Invasive Species Council established in section 2-15-3309, MCA;

(h) the Fish and Wildlife Commission established in section 2-15-3402, MCA;

(i) the State Parks and Recreation Board established in section 2-15-3406, MCA;

(j) the Department of Agriculture provided for in section 2-15-3001, MCA;

(k) the Department of Natural Resources and Conservation provided for in section 2-15-3301, MCA;

(l) the Department of Fish, Wildlife, and Parks provided for in section 2-15-3401, MCA; and

(m) representatives of each federally recognized tribal government in Montana.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature in the form of introduced legislation.

Adopted April 30, 2025

SENATE JOINT RESOLUTION NO. 48

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE PUBLIC HEALTH AND SAFETY IMPACTS OF MARIJUANA LEGALIZATION; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the legalization of recreational and medical marijuana in Montana has led to evolving patterns in public health, youth behavior, criminal justice, and behavioral health; and

WHEREAS, Montana lacks a centralized data system to track and monitor the effects of marijuana legalization, limiting the ability of policymakers and communities to respond effectively; and

WHEREAS, high-potency marijuana products remain legally available and have been linked to increased risks of psychosis, depression, anxiety, and cannabis use disorder, particularly among youth and individuals with mental health vulnerabilities; and

WHEREAS, schools, emergency departments, behavioral health providers, treatment centers, community coalitions, and law enforcement have called for better data to inform prevention, treatment, and public safety strategies; and

WHEREAS, the Montana Legislature has a responsibility to ensure that marijuana policy protects youth, promotes public safety, and supports access to treatment.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to conduct a narrowly focused interim study on the public health and safety impacts of marijuana legalization in Montana. The study must examine, at a minimum:

(1) emergency room and urgent care trends related to marijuana and high-potency tetrahydrocannabinol (THC) product use, including psychosis, accidental ingestion, and other health effects;

(2) youth marijuana use and its impact on academic achievement and the school environment, including academic performance, absenteeism, behavioral issues, and disciplinary actions;

(3) impacts of marijuana use on the criminal justice system, including arrests, citations, driving under the influence, collisions that involve impaired driving due to marijuana use, and court filings involving marijuana;

(4) demand for substance use disorder treatment services and the capacity of the behavioral health system to respond;

(5) the prevalence and treatment of marijuana-associated mental health disorders, including cannabis-induced psychosis, depression, suicidality, and anxiety; and

(6) gaps in current data collection.

BE IT FURTHER RESOLVED, that the study:

(1) engage stakeholders, including schools and school-based health staff, student resource officers, behavioral health and substance use professionals, law enforcement, emergency departments and primary care professionals, public health officials, law enforcement and justice system stakeholders, tribal nations and tribal health representatives, and local government leaders and community coalitions, to ensure a collaborative and inclusive study process; and

(2) use objective, data-driven, and nonpartisan analysis, free from industry or political influence.

BE IT FURTHER RESOLVED, that on completion of the study, the committee compile the findings into a comprehensive report to inform future policy. The report must include, at a minimum:

(1) a summary of data and stakeholder input;

(2) gaps in policy and data collection identified by the study;

(3) recommendations and proposed strategies to improve statewide marijuana policy and the collection, tracking, coordination, and reporting of data related to marijuana and its use in the state; and

(4) proposed legislative or regulatory strategies to improve prevention, treatment access, youth protection, and public safety.

BE IT FURTHER RESOLVED, that all aspects of the study, including data collection, analysis, and stakeholder input, be completed prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

SENATE JOINT RESOLUTION NO. 49

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF YOUTH AND FAMILY PREVENTION PROGRAMS

FOCUSED ON BEHAVIORAL HEALTH IN MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the Substance Abuse and Mental Health Services Administration and other federal agencies historically have awarded competitive prevention grants to Montana behavioral health programs, but national prevention funding is in decline, and the long-term sustainability and coordination to those programs remain unclear; and

WHEREAS, the rapid pace and evolving nature of changes in Montana's publicly funded behavioral health prevention efforts in recent years warrant a close examination of the state's behavioral health care system by its policymakers; and

WHEREAS, the availability and coordination of prevention programs serving youth and families have changed over time without a clear statewide strategy or unified oversight body; and

WHEREAS, youth and families at risk of substance use and behavioral health challenges encounter multiple, often uncoordinated systems, including schools, child welfare, emergency rooms, law enforcement, and juvenile justice, before receiving appropriate interventions or treatment; and

WHEREAS, all stakeholders have a strong interest in preventing substance use, mental health conditions, and family crises before they occur through early intervention and coordinated community support; and

WHEREAS, prevention refers to proactive, research-proven programs that reduce the likelihood of Montanans' experiencing symptoms or negative effects related to behavioral health conditions; and

WHEREAS, schools, tribal communities, public health departments, and nonprofits provide youth prevention programing to address both mental health and substance use; and

WHEREAS, the use of technology and virtual platforms to deliver prevention programs has expanded in recent years; and

WHEREAS, as a citizen legislature, the Montana Legislature and its members are particularly attuned to the unique needs of our state and its dynamic composition of urban, rural, and tribal communities; and

WHEREAS, the Montana Legislature routinely invests in prevention efforts for youth, including school-based mental health programs, suicide prevention initiatives, mental health screening tools, public awareness campaigns, and evidence-based programs, such as the PAX Good Behavior Game and Youth Awareness of Mental Health, and by expanding access to youth support services and fostering partnerships among agencies, schools, and communities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to undertake a comprehensive review of the elements of Montana's behavioral health prevention programs, including systems serving youth and families, to:

(1) outline current and projected funding of prevention efforts, detailing the federal, state, local, and private funding streams;

(2) study how the prevention system helps divert youth and families from substance abuse treatment, mental health crises, emergency room visits, school dropouts, and involvement with the criminal justice system;

(3) assess the adequacy of the state's system of higher education to appropriately train and educate prevention specialists and other necessary behavioral health and community service providers to meet the prevention needs of Montanans;

(4) identify where gaps exist in the state's behavioral health system; and

(5) determine whether the Legislature or the Executive Branch is best poised to bridge system gaps.

BE IT FURTHER RESOLVED, that the interim committee or statutory committee:

(1) collaborate with the Department of Public Health and Human Services, the Office of Public Instruction, the Montana University System, including its state universities and community and tribal colleges, tribal governments, nonprofit organizations, faith-based institutions, and other relevant stakeholders in examining primary prevention efforts for youth in Montana;

(2) conduct a statewide inventory to gather information about primary prevention programs currently implemented at the state, local, and tribal levels that serve youth under 18 years of age, including school-based, health-based, community-based, faith-based, and mentorship initiatives;

(3) identify all existing funding streams for primary prevention efforts for youth in Montana, including federal, state, local, and private sources, and evaluate how these funds are utilized, coordinated, or siloed;

(4) map the current prevention workforce involved in youth-serving systems, including professionals from education, behavioral health, child welfare, mentoring programs, health care, and community coalitions;

(5) examine the various settings in which prevention efforts are delivered, such as schools, health care systems, community-based organizations, tribal nations, and faith-based groups, to assess integration, reach, and areas for potential alignment;

(6) provide an overview of evidence-based, culturally responsive, and promising primary prevention practices that have demonstrated effectiveness in addressing substance use, mental health, and adverse childhood experiences for youth;

(7) utilize available data, including the Youth Risk Behavior Survey, Prevention Needs Assessment, data on adverse childhood experiences, and any other available data sets and information, to assess risk and protective factors affecting Montana youth and to identify trends over time;

(8) determine whether capturing a snapshot view or conducting a longitudinal analysis would serve as the best tool to track outcomes and measure the long-term effectiveness and return on investment of prevention strategies;

(9) examine how other states and jurisdictions have implemented coordinated prevention infrastructures or strategic frameworks, and determine whether aspects of those models should be adapted for Montana;

(10) evaluate the efficacy and efficiency of Montana's current prevention efforts, including both duplication of and gaps in services, and opportunities for innovation and streamlined implementation; and

(11) provide recommendations for developing a unified, data-driven strategic plan for Montana's prevention infrastructure, including estimated costs, implementation timelines, and proposed mechanisms for oversight, coordination, and accountability.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

Adopted April 30, 2025

Senate Resolutions

SENATE RESOLUTION NO. 5

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA ADOPTING THE SENATE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the following Senate Rules be adopted:

RULES OF THE MONTANA

SENATE

CHAPTER 1

Administration

S10-10. Officers of the Senate. The officers of the Senate include a president, a president pro tempore, a majority leader, a minority leader, and majority and minority whips.

S10-20. Term of officers. The term of office for the officers and employees of the Senate established by rule is until the succeeding Legislature is organized. This rule may not be construed to mean that short-term session staff will be full-time employees during an interim.

S10-30. President, President pro tempore, and other officers. (1) The Senate shall, at the beginning of each regular session, and at other times as may be necessary, elect a Senator as President and a Senator as President pro tempore.

(2) The Senate shall choose its other officers and is the judge of the elections, returns, and qualifications of the Senators.

S10-40. Voting by presiding officer. Any Senator, when acting as presiding officer of the Senate, shall vote as any other Senator.

S10-50. Presiding officer and duties. (1) The presiding officer of the Senate is the President of the Senate, who must be chosen in accordance with law.

(2) The President shall take the chair on every legislative day at the hour to which the Senate adjourned at the last sitting.

(3) The President may name a Senator to perform the duties of the President when the President pro tempore is not present in the Senate chamber. The Senator who is named is vested during that time with all the powers of the President.

(4) (a) The President has general control over the assignment of rooms for the Senate and shall preserve order and decorum. The President may order the galleries and lobbies cleared in case of disturbance or disorderly conduct.

(b) Office space currently assigned to any member of the minority may be changed only with the consent of the minority leader.

(5) The President shall sign or electronically authenticate all necessary certifications of the Senate, including enrolled bills and resolutions, journals, and subpoenas. The President's signature or electronic authentication must be attested by the Secretary of the Senate.

(6) The President shall approve the calendar for each legislative day.

(7) The President is the chief administrative officer of the Senate, with authority for the general supervision of all Senate employees.

(8) The President of the Senate is the authorized approving authority of the Senate during the term of election to that office.

(9) The President shall refer bills to committee upon introduction or reception in the office of the Secretary of the Senate within 3 legislative days of receipt.

(10) The President shall request fiscal notes on all legislation stamped by Legislative Services Division as potentially requiring a fiscal note within 5 legislative days of introduction. The President shall approve any request from the Office of Budget and Program Planning for fiscal notes or amendments to fiscal notes.

(11) The President shall sign an enrolled bill within 14 legislative days from receipt of the enrolled bill. If the President fails to sign the enrolled bill within 14 legislative days, the bill must be transmitted by the Secretary of the Senate to the Governor or the House as applicable.

S10-60. Succession. (1) In case of the absence or disqualification of the President, the President pro tempore of the Senate shall perform the duties of the President until the vacancy is filled or the disability removed.

(2) Whenever the President pro tempore of the Senate is of the opposite political party from that of the President, the following procedure applies:

(a) If the President dies while in office, the members of the Senate have the right to immediately nominate and elect an acting President of the same party.

(b) If the President is absent for 2 or more legislative days or at any time after the 85th legislative day or at any time during special session of the Legislature and wants to appoint an acting President during the President's absence, the President may do so, or the members of the Senate have the right to immediately nominate and elect an acting President of the President's caucus.

(c) An acting President of the Senate has the powers of the President and supersedes the powers of the President pro tempore.

S10-70. President-elect. The President-elect nominated by the appropriate party caucus has the responsibility and authority to assume the duties of President of the Senate.

S10-90. Majority Leader. The primary functions of the majority leader usually relate to floor duties. The duties of the majority leader may include but are not limited to:

(1) being the lead speaker for the majority party during floor debates;

(2) arranging legislation on the Committee of the Whole agenda in the order in which the bills will be considered, unless otherwise ordered by the Senate or Committee of the Whole;

(3) helping the President develop the calendar;

(4) assisting the President with program development, policy formation, and policy decisions;

(5) presiding over the majority caucus meetings;

(6) serving as chair or designee of the rules committee; and

(7) other duties as assigned by the caucus.

S10-100. Majority Whip. The duties of the majority whip may include but are not limited to:

(1) assisting the majority leader;

(2) ensuring member attendance;

(3) counting votes;

(4) generally communicating the majority position; and

(5) other duties as assigned by the caucus.

S10-110. Minority Leader. The minority leader is the principal leader of the minority caucus. The duties of the minority leader may include but are not limited to:

(1) developing the minority position;

(2) negotiating with the majority party;

(3) directing minority caucus activities on the chamber floor;

(4) leading debate for the minority; and

(5) other duties as assigned by the caucus.

S10-120. Minority Whip. The major responsibilities for the minority whip may include but are not limited to:

(1) assisting the minority leader on the floor;

(2) counting votes;

(3) ensuring attendance of minority party members; and

(4) other duties as assigned by the caucus.

S10-130. Senate employees. (1) In addition to the employees appointed by the President, the Senate shall employ staff recommended by the leadership as necessary to perform the functions of the Senate.

(2) The Secretary of the Senate shall designate a secretary to take and prepare electronic audio recording logs of committee meetings for each standing committee. A committee secretary is immediately responsible to the chair, but shall work under the overall direction of the Secretary of the Senate, subject to authority of the committee chair.

(3) The President, majority leader, and minority leader may each appoint a private secretary.

S10-140. Secretary of the Senate and duties. The Secretary of the Senate works under the direction of the President. The responsibilities of the Secretary of the Senate include:

(1) performing the duties prescribed by law or other provisions of these rules;

(2) compiling and maintaining the calendar for approval by the President;

(3) keeping the leadership informed on the progress and workload of the Senate;

(4) transmitting bills with appropriate messages to the House of Representatives as instructed by action of the Senate;

(5) keeping and maintaining records of the Senate; and

(6) supervision of the Senate employees, except as otherwise provided.

S10-150. Sergeant-at-Arms duties. Under the direction of the President and the Secretary of the Senate, the Sergeant-at-Arms shall:

(1) maintain order as directed by the President or chair of the Committee of the Whole;

(2) enforce the lobbying rules of the Senate;

(3) supervise the employees assigned to the Sergeant's office;

(4) receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along with records of purchase and disposal in accordance with law;

(5) issue floor passes to qualified applicants as provided in S20-55; and

(6) perform duties as required by other rules and the Senate.

S10-160. Legislative interns. Each Senator may designate one person of legal age to serve as an intern during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator shall register an intern with the Secretary of the Senate and arrange for the purchase of a name tag with the Sergeant- at-Arms.

S10-170. Senate journal. (1) The Senate shall keep and authenticate a journal of its proceedings as required by law and the rules.

(2) The Secretary of the Senate will supervise the preparation of the journal by the journal clerks.

(3) In addition to the proceedings required by law to be recorded, the journal must include:

(a) committee reports;

(b) every motion, the name of the Senator presenting it, and its disposition;

(c) the introduction of legislation in the Senate;

(d) consideration of legislation subsequent to introduction;

(e) roll call votes;

(f) messages from the Governor and the House of Representatives;

(g) every amendment, the name of the Senator presenting it, and its disposition;

(h) the names of Senators and their votes on any question upon a request by two Senators before a vote is taken; and

(i) any other records the Senate directs by rule or action.

(4) The Secretary of the Senate shall provide information that may be necessary for the preparation of the daily journal for printing by the Legislative Services Division. Upon approval by the President, the daily journal must be reproduced and made available.

(5) Any Senator may examine the daily journal and propose corrections. Without objection by the Senate, the President may direct the correction to be made.

(6) The President shall authenticate the original daily journal, from time to time, and the Secretary of the Senate shall, as appropriate, deliver it to the Legislative Services Division to be prepared for publication and distribution in accordance with law.

CHAPTER 2

Decorum

S20-10. Questions of order -- appeal. The President of the Senate shall decide all questions of order, subject to an appeal by any Senator seconded by two other Senators. A Senator may not speak more than once on an appeal without the consent of a majority of the Senate.

S20-20. Violation of rules -- call to order -- appeal. (1) If a Senator, in speaking or otherwise, violates the rules of the Senate, the President shall, or the majority leader or minority floor leader may, call the Senator to order, in which case the Senator called to order must be seated immediately.

(2) The Senator called to order may move for an appeal to the Senate, and if the motion is seconded by two Senators, the matter must be submitted to the Senate for determination by majority vote. The motion is nondebatable.

(3) If the decision of the Senate is in favor of the Senator called to order, the Senator may proceed. If the decision is against the Senator, the Senator may not proceed.

(4) If a Senator is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the Senate that the Senator be censured or be subject to other action. Censure consists of an official public reprimand of a Senator for inappropriate behavior. The Senate shall act upon the recommendation of the Committee.

S20-30. Questions of privilege -- restrictions. (1) Questions of privilege in order of precedence are those:

(a) affecting the collective rights, safety, dignity, or integrity of the proceedings of the Senate; and

(b) affecting the rights, reputation, or conduct of individual Senators in their capacity as Senators.

(2) A Senator may not address the Senate on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question;

(c) a motion to lay on the table is offered and the vote is taken on the motion; or

(d) a bill sponsor closes on the bill and the question is called by the presiding officer with a vote taken on the motion.

S20-40. Recognition by chair. A Senator desiring to speak shall indicate to the presiding officer and, once being recognized, shall speak. When two or more Senators indicate a desire to speak at the same time, the presiding officer shall determine the order of the speakers.

S20-50. Floor privileges. (1) When the Senate is in session no person is permitted in the chambers except:

(a) legislators;

(b) legislative officers and employees whose presence is necessary for the conduct of business of the session;

(c) representatives of the media with a floor pass;

(d) former legislators (not currently registered as lobbyists); and

(e) legislators' spouses and children.

(2) The President may make exceptions for visiting dignitaries.

(3) Beginning 1 hour before and ending one-half hour after adjournment, no person is permitted in the chambers except those authorized as exceptions under subsection (1) or (2).

S20-55. Representatives of the media -- floor pass. (1) Representatives of the media are not permitted in chambers without a valid floor pass.

(2) The Sergeant-at-Arms, at the direction of the President, controls when and where individuals with a floor pass will be granted access to chambers. An individual with a floor pass is not guaranteed access to the floor and may be denied future access for violating rules of decorum.

S20-60. Communications to Senate. A communication to the Senate must be addressed to the President and must bear the name of the person submitting it. The President shall decide if the communication bears including in the calendar.

S20-70. Distribution of materials on floor -- exception. (1) Subject to subsection (2), material may not be distributed on the Senators' desks in the chamber unless the material bears the signature of the bearer and a Senator and has been approved by the President.

(2) Subsection (1) does not apply to material written by staff at the request of a Senator and placed on the Senator's desk.

CHAPTER 3

Committees

S30-10. Committee appointments. (1) There is a Committee on Committees consisting of six members of the majority party. If the Senate is evenly divided between parties, the committee shall consist of six Senators, three from the majority party and three from the minority party.

(2) (a) The Committee on Committees shall, with the approval of the Senate, appoint the members of Senate standing committees, joint committees, and interim committees.

(b) All Committee on Committees minority member committee appointments must be approved by the minority leader.

(3) The minority leader shall designate the ranking minority member for each standing committee.

(4) The President of the Senate shall appoint all:

(a) conference committees, with the advance concurrence of the majority leader and minority leader; and

(b) select committees.

(5) The Senate may change the membership of any committee on 1 day's notice.

S30-20. Standing committees -- classification. (1) The standing committees of the Senate are as follows:

(a) class one committees:

(i) Business, Labor, and Economic Affairs;

(ii) Finance and Claims;

(iii) Judiciary; and

(iv) Taxation;

(b) class two committees:

(i) Highways and Transportation;

(ii) Local Government;

(iii) Natural Resources;

(iv) Public Health, Welfare, and Safety; and

(v) State Administration;

(c) class three committees:

(i) Agriculture, Livestock, and Irrigation;

(ii) Education and Cultural Resources;

(iii) Energy, Technology, and Federal Relations; and

(iv) Fish and Game; and

(d) on-call committees:

(i) Ethics;

(ii) Legislative Administration; and

(iii) Rules.

(2) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

(3) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the presession caucus.

S30-40. Ex officio members -- quorum. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be physically or remotely present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) The President, the majority leader, and the minority leader are ex officio nonvoting members of all committees in order to establish a quorum. As ex officio nonvoting members of a committee, the President, majority leader, and minority leader have the privileges of a committee member pursuant to S30-70(13)(a), (13)(c), and (13)(d).

S30-50. Chair's duties. (1) The chair of a committee is the presiding officer of that committee and is responsible for:

(a) maintaining order within the committee room and its environs;

(b) scheduling hearings and executive action;

(c) supervising committee work, including the appointment of subcommittees to act on a formal or informal basis;

(d) authenticating committee reports by signing them and submitting them promptly to the Secretary of the Senate. The chair shall sign business reports reflecting action taken in each committee meeting that enable the preparation of committee audio recording logs.

(e) enforcing fire code occupancy requirements.

(2) The Secretary of the Senate shall arrange to have the audio recording log copied in an electronic format. An electronic copy will be provided to the Legislative Services Division.

S30-60. Meetings -- notice -- purpose -- audio recording log. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.

(2) Notice of a committee hearing must be made by posting the date, time, and subject of the hearing online and in a conspicuous public place not less than 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:

(a) prior to the third legislative day;

(b) less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;

(c) to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session; or

(d) due to appropriate circumstances.

(3) When a committee hearing is scheduled with less than 3 days' notice, the committee chair shall use all practical means to disseminate notice of the hearing to the public.

(4) Notice of conference committee hearings must be given as provided in Joint Rule 30-30.

(5) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;

(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or

(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(6) All committees meet at the call of the chair or upon the request of a majority of the members of the committee.

(7) A committee may not meet during the time the Senate is in session without leave of the President. Any Senator attending a meeting while the Senate is in session must be considered excused to attend business of the Senate subject to a call of the Senate.

(8) All meetings of committees must be recorded and the audio recording log must be available to the public within a reasonable time after the meeting. The official record of the committee meeting is the audio recording of the meeting and the audio recording log must contain at least the following information:

(a) the time and place of each meeting of the committee;

(b) committee members physically or remotely present, excused, or absent;

(c) the names, cities, and states of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;

(d) all motions and their disposition;

(e) the results of all votes; and

(f) all testimony and exhibits.

(9) If a bill is heard in a joint committee, it must be referred to a standing committee. The standing committee is not required to hold an additional hearing but shall take executive action and may report the bill to the Committee of the Whole.

(10) A bill or resolution may not be considered or become a law unless referred to a committee and returned from a committee.

(11) A bill may be rereferred at any time before its passage.

S30-70. Procedures -- member privileges. (1) The chair shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not hear legislation unless the sponsor or one of the cosponsors is physically or remotely present or unless the sponsor has given written consent.

(3) (a) Subject to subsection (3)(b), the committee shall act on each bill in its possession:

(i) by reporting the bill out of the committee:

(A) with the recommendation that it be referred to another committee;

(B) favorably as to passage; or

(C) unfavorably; or

(ii) by tabling the measure in committee.

(b) At the written request of the sponsor made at least 48 hours prior to a scheduled hearing, a committee shall finally dispose of a bill without a hearing. Except as provided in S30-60(9), a bill may not be reported from a committee without a hearing.

(4) The committee may not report a bill to the Senate without recommendation.

(5) In reporting a measure out of committee, a committee shall include in its report:

(a) the measure in the form reported out;

(b) the recommendation of the committee;

(c) an identification of all proposed changes; and

(d) a fiscal note, if required.

(6) If a measure is taken from a committee and brought to the Senate floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee because committee amendments are merely recommendations to the Senate that are formally adopted when the committee report is accepted by the Senate.

(7) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

(8) The vote of each member on all committee actions must be recorded and reported in the committee audio recording log. All motions may be adopted only on the affirmative vote of a majority of the members voting.

(9) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members physically or remotely present at any meeting of the committee.

(10) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

(11) A committee may reconsider any action as long as the matter remains in the possession of the committee. A bill is in the possession of the committee until a report on the bill is made to the Committee of the Whole. A committee member need not have voted with the prevailing side in order to move reconsideration.

(12) The chair shall decide points of order.

(13) The privileges of committee members, present physically or remotely, include the following:

(a) to participate freely in committee discussions and debate;

(b) to offer motions;

(c) to assert points of order and privilege;

(d) to question witnesses upon recognition by the chair;

(e) to offer any amendment to any bill; and

(f) to vote, either by being present or by proxy, using a standard form.

(14) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the Senate Rules.

(15) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

(16) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the Senate are applicable except as stated in the Senate Rules.

S30-80. Public testimony -- decorum -- time restrictions. (1) Subject to Joint Rule 30-05, remote or in-person testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall register on the committee witness list or by electronic means.

(2) (a) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing, subject to time constraints. Written testimony may not be required of any witness, but all witnesses may submit a statement in writing for the committee's official record.

(b) A person who is an employee of the state or a political subdivision of the state that is offering testimony on behalf of the state or political subdivision shall state in the person's oral or written testimony the specific entity or state officeholder that they are representing.

(3) The chair may order actions to maintain order in the committee meeting. During committee meetings, visitors may not speak unless called upon by the chair. Restrictions on time available for testimony may be announced.

(4) The number of people in a committee room may not exceed the maximum posted by the State Fire Marshall. The chair shall maintain that limit.

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chair may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is at the discretion of the chair.

S30-100. Absentee or proxy voting. Standing and select committees may by a majority vote of the committee authorize Senators to vote in absentia. Authorization for absentee or proxy voting must be reflected in the committee audio recording log.

S30-140. Reconsideration in committee. A committee may at any time prior to submitting a report to the Secretary of the Senate reconsider its previous action on legislation.

S30-150. Committee requested legislation. (1) (a) Except as provided in subsection (1)(b), at least three-fourths of all the members of a standing committee must have voted in favor of the question to allow the committee to request the drafting and introduction of legislation.

(b) The Finance and Claims Committee may request the drafting and introduction of legislation by a majority vote of all of the members of the committee.

(2) The chair of a committee shall introduce, or shall designate a member of the committee to introduce, legislation requested by the committee. The introduced bill must be referred to the requesting committee.

S30-160. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the chair after the referral of an issue from the Rules Committee or the Legislator Conduct Panel or to consider a request for a determination pursuant to subsection (4). The Rules Committee may be convened to consider the referral of a matter to the Ethics Committee upon the request of a Senator. The Rules Committee shall prepare a written statement of the specific question or issue to be addressed by the Ethics Committee. Except for a referral from the Legislative Conduct Panel, the issues referred to the Ethics Committee must be related to the actions of a Senator during a legislative session.

(2) The matters that may be referred to the Ethics Committee are:

(a) a violation of:

(i) 2-2-103;

(ii) 2-2-104;

(iii) 2-2-111;

(iv) 2-2-112; or

(v) Joint Rule 10-85;

(b) the use or threatened use of a Senator's position for personal or personal business benefit or advantage; or

(c) any other violation of law by a Senator while acting in the capacity of Senator.

(3) If there is a recommendation from the Ethics Committee, the recommendation is made to the Senate.

(4) A Senator may seek a determination from the Ethics Committee concerning the possibility of a personal conflict of interest.

CHAPTER 4

Legislation

S40-10. Types of legislation. The only types of legislation that may be introduced in the Senate are those that have been drafted and approved by the Legislative Services Division and signed by a Senator as chief sponsor. The types of legislation allowed include:

(1) bills of any subject, except appropriations;

(2) joint resolutions, which may be used for any purpose specified in Joint Rule 40-60; and

(3) simple resolutions, which may:

(a) adopt or amend Senate rules;

(b) provide for the internal affairs of the Senate;

(c) express confirmation of the Governor's appointments; or

(d) make recommendations concerning the districting and apportionment plan as provided by Article V, section 14(4), of the Montana Constitution.

S40-20. Introduction -- first reading. (1) Upon receiving a bill or resolution from a Senator, the Secretary of the Senate shall assign an appropriate sequential number, which constitutes introduction of the legislation. Legislation properly introduced or received in the Senate must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a Senator may question adherence to rules. Acknowledgment by the Secretary of the Senate of receipt of legislation transmitted from the House commences the time limit for consideration of the legislation. All legislation received by the Senate may be referred to a committee prior to being read across the rostrum.

(2) Bills and resolutions preintroduced as provided in Joint Rule 40-40 may be assigned to committee by the President, posted online, and printed prior to the legislative session. The Legislative Services Division is responsible for ensuring the preintroduction intent from each Senator and presenting the preintroduced legislation to the Secretary of the Senate.

(3) Upon referral to committee by the President, the Secretary of the Senate shall publicly post a listing of the bill or resolution by a summary of its title, together with a notation of the committee to which it has been assigned.

(4) The sponsor may ask the Legislative Services Division to change or correct a short title used on the bill status system.

S40-30. Cosponsors and additional sponsors. (1) Prior to submitting legislation to the Secretary of the Senate for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(2) After legislation is submitted for introduction, sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill or resolution. Forms for adding sponsors will be supplied on request by the Secretary of the Senate.

(3) Upon passage of the motion, the names of the additional sponsors will be printed in the journal and the form containing the signatures of the additional sponsors will be forwarded to the Legislative Services Division with the original bill for the inclusion of the names in subsequent printings of the bill or resolution.

S40-40. Reading limitations. (1) Every bill must be read three times prior to passage, either by title or by summary of title as provided in these rules.

(2) A bill or resolution may not have more than one reading on the same day except the last legislative day.

(3) An amendment may not be offered on third reading.

S40-60. Scheduling for second reading. (1) All bills and resolutions that have been reported by a committee or withdrawn from a committee by motion, accepted by the Senate, and posted online and reproduced must be scheduled by the President for consideration by Committee of the Whole.

(2) Until the 50th legislative day, 1 day must elapse between receiving the legislation from printing and scheduling for second reading for consideration by Committee of the Whole unless a posted or printed version of an unamended bill is available.

(3) The majority leader shall arrange legislation on the agenda in the order in which the bills will be considered, unless otherwise ordered by the Senate or Committee of the Whole.

CHAPTER 5

Floor Action

S50-10. Attendance -- mandatory voting -- quorum. (1) Except as provided in subsection (2), a Senator must be physically or remotely present every sitting of the Senate and shall vote on questions put before the Senate.

(2) A Senator shall notify the President, majority leader, or the minority leader if the Senator will be remotely present or absent for a sitting of the Senate.

(2)(3) A majority of the Senate shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent Senators, in the manner and under penalties as the Senate may prescribe (Montana Constitution, Art. V, sec. 10(2)).

S50-20. Orders of business. After prayer, roll call, and report on the journal, the order of business of the Senate is as follows:

(1) communications and petitions;
(2) reports of standing committees;
(3) reports of select committees;
(4) messages from the Governor;
(5) messages from the House of Representatives;
(6) first reading and commitment of bills;
(7) second reading of bills (Committee of the Whole);
(8) third reading of bills;
(9) motions;
(10) unfinished business;
(11) special orders of the day; and
(12) announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote.

S50-30. Limitations on debate. A Senator may not speak more than twice on any one motion or question without unanimous consent of the Senate, unless the Senator has introduced or proposed the motion or question under debate, in which case the Senator may speak twice and also close the debate. However, a Senator who has spoken may not speak again on the same motion or question to the exclusion of a Senator who has not spoken.

S50-40. Procedure upon offering a motion. (1) When a motion is offered it must be restated by the presiding officer. If requested by the presiding officer or a Senator, it must be reduced to writing, presented at the rostrum, and read aloud by the Secretary.

(2) A motion may be withdrawn by the Senator offering it at any time before it is amended or voted upon.

(3) A motion is carried by a majority of the Senate present and voting unless otherwise stated in the Senate Rules.

S50-50. Precedence of motions. (1) When a question is under debate only the following privileged and subsidiary motions may be made:

(a) to adjourn for the day (nondebatable S50-60);
(b) to adjourn sine die (debatable S50-135);
(c) for a call of the Senate (nondebatable S50-60);
(d) to recess (nondebatable S50-60);
(e) question of privilege;
(f) to lay on the table (nondebatable S50-60);
(g) for the previous question (nondebatable S50-60);
(h) to postpone to a certain day;
(i) to refer or commit;
(j) to amend;
(k) subject to subsection (1)(l), to postpone indefinitely; and
(l) to postpone indefinitely on a bill or resolution after its failure to receive a majority of those present and voting on second reading.

(2) The motions listed in subsection (1) have precedence in the order listed.

(3) Subject to subsection (1)(l), a question may be indefinitely postponed by a majority roll call of all Senators physically or remotely present and voting. When a bill or resolution is postponed indefinitely after debate on second reading, it is finally rejected and may not be acted upon again except upon a motion of reconsideration as provided in S50-90.

(4) A motion or proposition on a subject different from that under consideration may not be accepted unless a substitute motion is in order.

S50-60. Nondebatable motions. The following motions are not debatable:

(1) to adjourn for the day;

(2) for a call of the Senate;
(3) to recess or rise;
(4) for parliamentary inquiry;
(5) for suspension of the rules;
(6) to lay on the table;
(7) for the previous question;
(8) to limit, extend the limits of, or to close debate;
(9) to amend an undebatable motion;
(10) to change a vote (S50-200);
(11) to pass business in Committee of the Whole;
(12) to take from the table;
(13) a decision of the presiding officer, unless appealed or unless the presiding officer submits the question to the Senate for advice or decision; and
(14) all incidental motions, such as motions relating to voting or other questions of a general procedural nature.

S50-70. Amending motions -- restrictions. (1) Subject to subsection (2), no more than one amendment and no more than one substitute motion may be made to a motion. This rule permits the main motion and two modifying motions.

(2) A motion for a call of the Senate, for the previous question, to table, or to take from the table may not be amended.

S50-80. Previous question. (1) Except as provided in subsection (2), the effect of calling for the previous question, if adopted, is to close debate immediately, to prevent the offering of amendments or other subsidiary motions, and to bring to vote promptly the immediately pending main question and the adhering subsidiary motions, whether on appeal or otherwise. The motion for the previous question is nondebatable as provided in S50-60(7).

(2) When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one-half of that time to be given to the proponents and one-half to the opponents. The sponsor of the main motion on which the previous question is adopted may close on the motion regardless of whether debate on the main motion has occurred.

(3) A call of the Senate is not in order after the previous question is ordered unless it appears upon an actual count by the presiding officer that a quorum is not physically and remotely present.

S50-90. Reconsideration -- time restrictions. (1) Subject to subsection (6), any Senator may, on the day the vote was taken or on the next day the Senate is in session, move to reconsider the question. A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to reconsider may not address the substance of the matter for which reconsideration is sought. However, an inquiry may be made concerning the purpose of the motion to reconsider.

(2) A motion to reconsider must be disposed of when made unless a proper substitute motion is made and adopted.

(3) A motion to recall a bill from the House of Representatives constitutes notice to reconsider and must be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the House of Representatives may be made only under Order of Business No. 9 and, under that order of business, takes precedence over all motions except motions to recess or adjourn.

(4) When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. When a motion to reconsider fails, the question is finally and conclusively settled.

(5) If a motion to reconsider third reading action is carried, there may not be further action until the succeeding legislative day.

(6) If the Senate has adjourned for more than 2 days, then a motion to reconsider action taken on the last day the Senate was in session is in order on the day the Senate reconvenes or on the following legislative day.

S50-95. Rereferral. (1) Legislation that is in the possession of the Senate and that has been reported from a committee with a do pass or be concurred in recommendation may be rereferred to a Senate committee by a majority vote.

(2) (a) With the consent of the majority leader, the minority leader, and the bill sponsor, legislation that has passed second reading, has been rereferred to the Finance and Claims Committee pursuant to subsection (1), and is reported from committee without amendments may be placed on third reading.

(b) The third-reading agenda must specify that the legislation rereferred and reported from committee under subsection (2)(a) was rereferred to the Senate Finance and Claims Committee and reported from the committee without amendments as passed on second reading.

(3) The individual making the rereferral motion shall announce the bill number, short bill title, and the name of the sponsor of the bill immediately before it may be considered for rereferral.

S50-100. Dividing a question -- segregation excluded. A Senator may request to divide a question if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain. A vote is not required on a request to divide a question, but the chair may rule that a question is not divisible. The ruling of the chair may be appealed as provided in S20-10 and S20-20. For an appeal of a ruling of the presiding officer, the question for the Senate must be stated as, "Shall the ruling of the chair be upheld?". A motion to segregate pursuant to S50-140(4) is not a request to divide a question.

S50-110. Rules for questions or bills requiring other than a majority vote. (1) Except as provided in subsection (2), if a question or bill requires more than a majority vote for final passage, a majority vote is sufficient to decide any question relating to the question or bill prior to third reading.

(2) Any vote in the Senate on a bill proposing an amendment to the Montana Constitution under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote. This rule does not prevent a committee from indefinitely postponing or tabling a bill proposing an amendment to the Montana Constitution.

(3) If a bill has been amended in the House of Representatives and the amendments are accepted by the Senate, the bill must again be placed on third reading in the Senate to determine if the required number of votes has been cast.

S50-120. Committee reports to Senate -- reconsideration. (1) Reports of standing committees must be read on Order of Business No. 2, and, if there is no objection to form, are considered adopted. Subject to subsection (4), debate may not be had on any report.

(2) On an adverse committee report, the sponsor may respond to the chair of the committee making the report.

(3) Any Senator seeking a reconsideration of the Senate's action on the adoption of a committee report shall do so on Order of Business No. 9 by motion to reconsider as provided in S50-90. Any Senator may make the reconsideration motion and need not have voted on the prevailing side. This rule applies notwithstanding any joint rule to the contrary. Subject to S50-90(6), the reconsideration motion must be made within 1 legislative day of the adoption

of the committee report and is not in order if the bill has been considered in Committee of the Whole.

(4) (a) Subject to subsection (4)(b), the Rules Committee and conference committees may report at any time, except during a call of the Senate, when a vote is being taken, or during Committee of the Whole.

(b) The Rules Committee may report during Committee of the Whole on matters referred to the Committee by the Committee of the Whole.

S50-130. Conference committee -- reports. (1) When a conference committee report is filed with the Secretary of the Senate, the report must be read under Order of Business No. 3, select committees, and placed on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably by the Committee of the Whole, it may be considered on third reading the same legislative day.

(2) If both the Senate and the House of Representatives adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the Senate, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(3) If the Senate rejects a conference committee report, the committee continues to exist unless dissolved by the President or by motion. The committee may file a subsequent report.

(4) A Senate conference committee may confer regarding matters assigned to it with any House conference committee with like jurisdiction and submit recommendations for consideration of the Senate.

S50-135. Adjournment sine die. (1) Subject to Article V, section 10(5), of the Montana Constitution, a Senator may move that the Senate adjourn for the session.

(2) (a) The motion is debatable and may be made under any order of business except Order of Business No. 7.

(b) Debate on the motion is limited to two proponents and two opponents.

S50-140. Second reading -- Committee of the Whole report -- segregation -- rejection. (1) The Senate may resolve itself into a Committee of the Whole for consideration of business on second reading, by approval of a motion for that purpose.

(2) After a Committee of the Whole has been formed, the President shall appoint a chair to preside.

(3) All legislation considered in the Committee of the Whole must be read by a summary of its title. The sponsor shall make an opening statement, proposed amendments must be considered, and then the bill must be considered in its entirety.

(4) Prior to adoption of the Committee of the Whole report, a Senator may move to segregate legislation. If the motion prevails, the legislation remains on second reading.

(5) When a Committee of the Whole report on legislation is rejected, the legislation remains on second reading.

S50-150. Committee of the Whole amendments. (1) All Committee of the Whole amendments must be prepared by the staff of the Legislative Services Division, stipulating the date and time of preparation and staff approval, and delivered to the Secretary of the Senate for reading before the amendment is voted on.

(2) Each amendment, rejected or adopted, must be referenced in the journal, along with the name of the sponsor and the vote on each.

S50-160. Motions in Committee of the Whole. (1) All proper motions on second reading are debatable unless specified in S50-60.

(2) The only motions in order during Committee of the Whole are to:

(a) recommend passage or nonpassage;

(b) recommend concurrence or nonconcurrence (House amendments to Senate legislation);

(c) amend;

(d) subject to subsection (2)(e), to postpone indefinitely;

(e) to postpone indefinitely on a bill or resolution after its failure to receive a majority of those present and voting on second reading;

(f) pass consideration;

(g) change the order in which legislation is placed on the agenda (nondebatable S50-60(14));

(h) rise (nondebatable S50-60(3));

(i) rise and report progress and ask leave to sit again (nondebatable S50-60(3)); or

(j) rise and report (nondebatable S50-60(3)).

(3) The motions listed in subsection (2) may be made in descending order as listed.

(4) Except for the President of the Senate or designee, a Senator may not be recognized between the time a bill sponsor closes on the bill and the question is called by the presiding officer with a vote taken on the bill or resolution.

S50-170. Committee of the Whole -- generally. (1) The Committee of the Whole may not appoint subcommittees.

(2) The Committee of the Whole may not punish its members for misconduct, but may report disorder to the Senate.

S50-180. Voting on second reading -- positive disposition of motions. (1) On Order of Business No. 7, in addition to other methods, a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the question indicate their vote by an approved method of counting votes. The Secretary will then record the vote. The chair may then rule that unless excused those of the greater number and physically or remotely present have voted on the prevailing side of the question and that their vote be recorded as voting on the prevailing side. If there was a unanimous voice vote, all those physically or remotely present will be recorded as having voted for the question.

(2) A motion on second reading must be disposed of by a positive vote.

S50-190. Third reading procedure. (1) Unless rereferred to a committee by a majority vote after the adoption of the Committee of the Whole report but before adjournment for the day, all legislation passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) On Order of Business No. 8 the Secretary shall read the title and the President shall state the question as follows: "Senate bill number (or other appropriate identification)..... having been read three times, the question is, shall the bill (or other appropriate identification) pass the Senate?"

(3) If an electronic voting system is used, the President shall state "Those in favor vote yes and those opposed vote no" and the Secretary will sound the signal and open the board for voting. After a reasonable pause the presiding officer asks "Has every member voted?" (reasonable pause), "Does any member wish to change his or her vote?" (reasonable pause), "The Secretary will record the vote."

S50-200. Senate voting -- changing a vote -- objection. (1) A roll call vote must be taken on the request of two Senators, if the request occurs before the vote is taken.

(2) On a roll call vote the names of the Senators must be called alphabetically, unless an electronic voting system is used. A Senator may not vote after the decision is announced from the chair. A Senator may not explain a vote until after the decision is announced from the chair.

(3) A Senator may move to change the Senator's vote, on any recorded vote, within 1 legislative day of the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is nondebatable. If none of the Senators physically or remotely present object, the change must be entered into the journal.

(4) If any Senator objects to the request in subsection (3), the Senator making the request may move to suspend the rules to allow the Senator to change the Senator's vote.

(5) An error caused by a malfunction of the voting system may be corrected without a vote within 10 minutes of the malfunction.

S50-210. Absentee votes – restrictions. (1) An excused senator may file an absentee vote authorization form to vote during the excused absence on any vote for which absentee voting is allowed.

(2) An excused senator shall sign an absentee vote authorization form that specifies the motion and the desired vote.

(3) The absentee vote authorization form must be handed in at the rostrum by the party whip or designated senator before voting on the motion has commenced.

(4) The absentee vote authorization may be revoked before the vote by the member who signed the authorization.

(5) Absentee voting is not allowed on third reading.

S50-220. Call of the Senate without a quorum. (1) In the absence of a quorum, a majority of Senators physically and remotely present may compel the attendance of absent Senators by ordering a call of the Senate. A call of the Senate is not in order if a majority of Senators are physically and remotely present.

(2) On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators present direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator's attendance.

(3) During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. When a quorum has been achieved under the call, the call is automatically lifted. The call may be removed by a two-thirds vote of the members physically or remotely present.

S50-230. House amendments to Senate legislation. (1) When the House has properly returned Senate legislation with House amendments, the Senate shall announce the amendments on Order of Business No. 5 and the President shall place them on second reading for debate. The President may rerefer Senate legislation with House amendments to a committee for a hearing if the House amendments constitute a significant change in the Senate legislation. The second reading vote is limited to consideration of the House amendments.

(2) If the Senate accepts House amendments, the Senate shall place the final form of the legislation on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

(3) If the Senate rejects the House amendments, the Senate may request the House to recede from its amendments or may direct appointment of a conference committee and request the House to appoint a like committee.

S50-240. Governor's amendments. (1) When the Governor returns a bill with recommended amendments, the Senate shall announce the amendments under Order of Business No. 4.

(2) The Senate may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the Senate and the House of Representatives accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the Senate shall place the final form of the legislation on third reading to determine if the required vote is obtained.

S50-250. Governor's veto. (1) When the Governor returns a bill with a veto, the Senate shall announce the veto under Order of Business No. 4.

(2) On any legislative day, a Senator may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

CHAPTER 6

Rules

S60-10. Senate rules -- amendment -- adoption -- suspension. (1) A motion to amend or adopt a rule of the Senate must be referred to the Rules Committee without debate. A rule of the Senate may be amended or adopted only with the concurrence of a majority of the Senate and after 1 day's notice.

(2) Subject to subsection (3), a rule may be suspended temporarily by a three-fifths vote.

(3) During a special session of the Legislature, the rules may be suspended by a majority vote.

S60-20. Mason's Manual of Legislative Procedure. The most recent publication of Mason's Manual of Legislative Procedure governs the proceedings of the Senate in all cases not covered by these rules.

S60-30. Joint rules superseded. A Senate rule, insofar as it relates to the internal proceedings of the Senate, supersedes a joint rule.

CHAPTER 7

Nominations from the Governor

S70-10. Nominations -- second term reappointments. (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.

(2) If during a recess of the Senate a vacancy occurs in any office subject to Senate confirmation, the Governor shall appoint some fit person to discharge the duties of the office until the next meeting of the Senate, when the Governor shall nominate a person to fill the office.

(3) If the Governor is reelected to a second 4-year term of office, the Governor shall renominate all retained officers that were previously confirmed pursuant to subsection (1). The Senate confirmation procedure for a retained officer is the same as the confirmation procedure for a new appointment.

(4) A retained officer is an individual whose term would have expired at the end of the Governor's first 4-year term if the Governor had not been reelected to a second consecutive term.

S70-20. Receiving nominations -- requesting bill drafts. (1) Nominations and renominations received from the Governor must be:

(a) received by the President;

(b) delivered to the Secretary of the Senate; and

(c) read under Order of Business No. 4, messages from the Governor.

(2) The Secretary shall distribute a copy of the list of nominations and renominations to each Senator.

(3) (a) The President of the Senate shall submit a bill draft request for a resolution for each nominee or each group of nominees read under Order of Business No. 4. These bill draft requests will not count against any bill draft request limit imposed on the President of the Senate.

(b) Prior to introduction of the resolution, the President of the Senate shall designate the appropriate committee chair or other member of the Senate to introduce the simple resolution.

S70-30. Committee process -- separate consideration. (1) (a) The committee shall research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been given.

(2) (a) Except as provided in subsection (2)(b), following the hearings for a group of nominees, the committee shall issue standing committee reports to be considered on second reading, stating the committee's recommendations concerning the nominees.

(b) Following the hearings for the group of nominees, if a committee member wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees being considered by the committee, the committee member may prepare an amendment for executive action to strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, the committee member that offered the amendment shall make a motion to request a committee resolution for the nominee or nominees to be considered by a separate resolution. A simple majority of the committee is sufficient in order to request a separate committee resolution.

(3) Within the Committee of the Whole, if a Senator wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees recommended by the committee, the Senator may prepare a floor amendment to strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, a Senator may make a motion to request that the President of the Senate submit a bill draft request for that the nominee or nominees to be considered by a separate resolution.

(4) When the resolution for an individual or group nomination has been prepared and introduced, the committee shall take executive action on the resolution. When a hearing on the separated nomination was held prior to the committee's standing committee report, an additional hearing is not required to be held before the committee takes action on the separate resolution. After the committee's executive action, the committee chair shall issue a standing committee report.

(5) The Secretary will read the reports under Order of Business No. 2, reports of standing committees.

(6) After the report has been read, the resolution must be placed on Order of Business No. 7 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated. Approval upon second reading constitutes confirmation of the Governor's nominee. A motion to reconsider the approval or disapproval of a nomination

made on second reading must occur within one legislative day. A motion to reconsider may not be made if the resolution approving a confirmation is no longer in the possession of the Senate.

(7) Once the Senate adjourns sine die, all nominations and renominations that were not approved by the Senate are treated as rejected confirmations.

Appendix A

List of Questions Requiring Other Than a Majority Vote

The following questions require the vote specified:

(1) a motion to lift a call of the Senate pursuant to S50-220(3) (two-thirds of the members physically or remotely present);

(2) a motion to suspend rules during a regular session pursuant to S60-10 (three-fifths);

(3) a motion to override the Governor's veto pursuant to S50-250 and Article VI, section 10(3), of the Montana Constitution (two-thirds);

(4) a motion to approve a bill to appropriate the principal of the coal trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths of each house);

(5) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than those described in that section (three-fifths of each house);

(6) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature);

(7) an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two other Senators);

(8) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);

(9) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds); and

(10) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths).

Adopted April 8, 2025

SENATE RESOLUTION NO. 6

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT MADE BY THE SPEAKER OF THE HOUSE AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 24, 2025, TO THE SENATE.

WHEREAS, the Speaker of the House of Representatives of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Speaker of the House pursuant to section 3-1-1101, MCA:

As a member of the Judicial Standards Commission, in accordance with section 3-1-1101, MCA:

Judge Ashley Harada, Billings, Montana, appointed to serve a term ending July 1, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State, to the Speaker of the House, and to the Chief Justice of the Montana Supreme Court.

Adopted March 18, 2025

SENATE RESOLUTION NO. 7

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE SEVENTH JUDICIAL DISTRICT COURT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 10, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As District Court Judge of the Seventh Judicial District, in accordance with section 3-1-906, MCA:

Scott Herring, Sidney, Montana, appointed to serve a term ending January 3, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 18, 2025

SENATE RESOLUTION NO. 8

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Architects and Landscape Architects, in accordance with section 2-15-1761, MCA:

Matt Faure, Bozeman, Montana, appointed to serve a term ending July 1, 2026.

Annette Marchesseault, Missoula, Montana, appointed to serve a term ending April 1, 2026.

Dale Nelson, Great Falls, Montana, appointed to serve a term ending April 1, 2026.

Steven Small, Billings, Montana, appointed to serve a term ending April 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 9

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE MONTANA ARTS COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Montana Arts Council, in accordance with section 2-15-1513, MCA:

Angella Ahn, Bozeman, Montana, appointed to serve a term ending February 1, 2028.

Corky Clairmont, Ronan, Montana, appointed to serve a term ending February 1, 2028.

Cathryn McIntyre, Glasgow, Montana, appointed to serve a term ending February 1, 2028.

Jay Pyette, Havre, Montana, appointed to serve a term ending February 1, 2028.

Steve Zabel, Bozeman, Montana, appointed to serve a term ending February 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 21, 2025

SENATE RESOLUTION NO. 10

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF ALTERNATIVE HEALTH CARE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Alternative Health Care, in accordance with section 2-15-1730, MCA:

Alisun Bonville, Bozeman, Montana, appointed to serve a term ending July 1, 2026.

Jacy O'Neill, Billings, Montana, appointed to serve a term ending July 1, 2025.

Holly Simonson, Plentywood, Montana, appointed to serve a term ending July 1, 2025.

Rhianna Weaver, Bozeman, Montana, appointed to serve a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 11

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF ATHLETIC TRAINERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Athletic Trainers, in accordance with section 2-15-1771, MCA:

Tracy Houser, Columbia Falls, Montana, appointed to serve a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 12

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF DENTISTRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Dentistry, in accordance with section 2-15-1732, MCA:

Roderick Griffeth, Billings, Montana, appointed to serve a term ending July 1, 2027.

Robin Hogan, Miles City, Montana, appointed to serve a term ending July 1, 2027.

Pareesa Kingery, Helena, Montana, appointed to serve a term ending July 1, 2027.

Christopher Facundo, Helena, Montana, appointed to serve a term ending July 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 13

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF BARBERS AND COSMETOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Barbers and Cosmetologists, in accordance with section 2-15-1747, MCA:

Bryan Kirkland, Stevensville, Montana, appointed to serve a term ending March 1, 2027.

Katie Fontana, Great Falls, Montana, appointed to serve a term ending June 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 7, 2025

SENATE RESOLUTION NO. 14

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA URGING CONGRESS TO INCLUDE MONTANANS IN THE RADIATION EXPOSURE COMPENSATION ACT.

WHEREAS, from 1945 to 1962, the United States government conducted over 200 above-ground nuclear tests, exposing tens of thousands of people in downwind areas to deadly radiation; and

WHEREAS, Montana is one of the most impacted "downwind" states and home to 15 of the 25 most exposed counties in the United States, including Meagher, Broadwater, Beaverhead, Chouteau, Jefferson, Powell, Judith Basin, Madison, Fergus, Gallatin, Petroleum, Lewis and Clark, Blaine, Silver Bow, and Deer Lodge Counties; and

WHEREAS, this issue is important to many Montanans who have suffered and even died from radiation exposure and may not even know their cancers were caused by our nation's nuclear testing; and

WHEREAS, the current compensation available for those impacted by United States nuclear weapons development and testing is still not available for impacted Montanans, even though the 1997 study by the United States government indicated that Montana should be included in the Radiation Exposure Compensation Act.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the United States Congress be urged to pass amendments to include Montanans in the Radiation Exposure Compensation Act.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the members of the United States House of Representatives and the United States Senate.

Adopted March 18, 2025

SENATE RESOLUTION NO. 15

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF ASSOCIATE WATER JUDGE MADE BY THE CHIEF JUSTICE OF THE MONTANA SUPREME COURT AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2025, TO THE SENATE.

WHEREAS, the Chief Justice of the Supreme Court of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Chief Justice pursuant to section 3-7-221, MCA:

As Associate Water Judge of the State of Montana, in accordance with sections 3-1-901 and 3-7-221, MCA:

Bina R. Peters, Bozeman, Montana, appointed to serve a term ending June 30, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 16

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF CHIEF WATER JUDGE MADE BY THE CHIEF JUSTICE OF THE SUPREME COURT AND SUBMITTED BY WRITTEN COMMUNICATIONS DATED JANUARY 31, 2025, AND MARCH 31, 2025, TO THE SENATE.

WHEREAS, the Chief Justice of the Supreme Court of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Chief Justice pursuant to section 3-7-221, MCA:

As Chief Water Judge of the State of Montana in accordance with sections 3-1-901 and 3-7-221, MCA:

Stephen R. Brown, Missoula, Montana, appointed to serve a term ending July 31, 2025.

As Chief Water Judge of the State of Montana in accordance with sections 3-1-901 and 3-7-221, MCA:

Stephen R. Brown, Missoula, Montana, appointed to serve a term ending July 31, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 17

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF OUTFITTERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Outfitters, in accordance with section 2-15-1773, MCA:

Ernest Barker, Augusta, Montana, appointed to serve a term ending June 30, 2028.

Chris Gentry, Ennis, Montana, appointed to serve a term ending June 30, 2027.

Matthew Greemore, Twin Bridges, Montana, appointed to serve a term ending June 30, 2025.

Wagner Harmon, Bainville, Montana, appointed to serve a term ending June 30, 2027.

John Way, Ennis, Montana, appointed to serve a term ending June 30, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 19

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HAIL INSURANCE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Hail Insurance, in accordance with section 2-15-3003, MCA:

Vince Mattson, Chester, Montana, appointed to serve a term ending May 1, 2026.

Bing Von Bergen, Moccasin, Montana, appointed to serve a term ending May 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2025

SENATE RESOLUTION NO. 20

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF NURSING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Nursing, in accordance with section 2-15-1734, MCA:

Nicole Guay, Missoula, Montana, appointed to serve a term ending July 1, 2028.

Kristin McColly, Hinsdale, Montana, appointed to serve a term ending July 1, 2027.

Desma Meissner, Great Falls, Montana, appointed to serve a term ending July 1, 2028.

Sarah Spangler, Havre, Montana, appointed to serve a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 21

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PARDONS AND PAROLE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Pardons and Parole, in accordance with section 2-15-2305, MCA:

Melanie Etchemendy, Deer Lodge, Montana, appointed to serve a term ending January 1, 2031.

Joseph McElroy, Deer Lodge, Montana, appointed to serve a term ending January 1, 2031.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 23, 2025

SENATE RESOLUTION NO. 22

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF MEDICAL EXAMINERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Medical Examiners, in accordance with section 2-15-1731, MCA:

Camilla Juhl Petersen, Missoula, Montana, appointed to serve a term ending July 1, 2027.

Ashleigh Magill, Whitefish, Montana, appointed to serve a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 23

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE JUDICIAL STANDARDS COMMISSION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Judicial Standards Commission, in accordance with section 3-1-1101, MCA:

Seth Berglee, Bigfork, Montana, appointed to serve a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2025

SENATE RESOLUTION NO. 24

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE COMMISSION FOR HUMAN RIGHTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 6, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Commission for Human Rights, in accordance with section 2-15-1706, MCA:

Curtis Almy, Miles City, Montana, appointed to serve a term ending January 2, 2029.

Peter Damrow, Frenchtown, Montana, appointed to serve a term ending January 2, 2029.

Connie Sartain, Kalispell, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 25

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO HARD-ROCK MINING IMPACT BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Hard-Rock Mining Impact Board, in accordance with section 2-15-1822, MCA:

Jay Baum, Columbus, Montana, appointed to serve a term ending January 1, 2027.

Clint Rech, Big Timber, Montana, appointed to serve a term ending January 2, 2029.

Ray Sheldon, Huntley, Montana, appointed to serve a term ending January 2, 2029.

Brent Teske, Libby, Montana, appointed to serve a term ending January 1, 2027.

Mark Thompson, Butte, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 26

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE HISTORICAL SOCIETY BOARD OF TRUSTEES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Historical Society Board of Trustees, in accordance with section 22-3-104, MCA:

Kim Briggeman, Missoula, Montana, appointed to serve a term ending July 1, 2028.

Tim Fox, Clancy, Montana, appointed to serve a term ending July 1, 2029.

Peter Johnson, Clancy, Montana, appointed to serve a term ending July 1, 2028.

William Jones, Harlowton, Montana, appointed to serve a term ending July 1, 2029.

Rachel Reckin, Helena, Montana, appointed to serve a term ending July 1, 2028.

Candi Zion, Winifred, Montana, appointed to serve a term ending July 1, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2025

SENATE RESOLUTION NO. 27

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF NURSING HOME ADMINISTRATORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Nursing Home Administrators, in accordance with section 2-15-1735, MCA:

Wes Thompson, Glasgow, Montana, appointed to serve a term ending June 30, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 28

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Professional Engineers and Professional Land Surveyors, in accordance with section 2-15-1763, MCA:

Anders Fiske, Molt, Montana, appointed to serve a term ending July 1, 2026.

Amy Galt, Kalispell, Montana, appointed to serve a term ending July 1, 2025.

Wallace Gladstone, Billings, Montana, appointed to serve a term ending July 1, 2028.

Shane Jackola, Kalispell, Montana, appointed to serve a term ending July 1, 2025.

Dan Stahly, Bozeman, Montana, appointed to serve a term ending July 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 29

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF CRIME CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Crime Control, in accordance with section 2-15-2008, MCA:

Amanda Littlesun, Billings, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2025

SENATE RESOLUTION NO. 30

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HORSERACING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Horseracing, in accordance with section 2-15-1809, MCA:

Janis Calton, Bigfork, Montana, appointed to serve a term ending January 1, 2028.

John Hayes, Great Falls, Montana, appointed to serve a term ending January 1, 2027.

Corey Jones, Miles City, Montana, appointed to serve a term ending January 1, 2028.

Jody Smith, Miles City, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 7, 2025

SENATE RESOLUTION NO. 31

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Public Education, in accordance with section 2-15-1508, MCA:

Hannah Nieskens, Cardwell, Montana, appointed to serve a term ending February 1, 2032.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2025

SENATE RESOLUTION NO. 32

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Public Education, in accordance with section 2-15-1508, MCA:

Julia Maxwell, Marion, Montana, appointed to serve a term ending February 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2025

SENATE RESOLUTION NO. 33

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF OPTOMETRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Optometry, in accordance with section 2-15-1736, MCA:

Joshua Campbell, Great Falls, Montana, appointed to serve a term ending July 1, 2027.

William E. Thomas, Missoula, Montana, appointed to serve a term ending July 1, 2026.

Joseph Vincent, Great Falls, Montana, appointed to serve a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 34

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE LIVESTOCK LOSS BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Livestock Loss Board, in accordance with section 2-15-3110, MCA:

John Sampsel, Stanford, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2025

SENATE RESOLUTION NO. 35

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF LIVESTOCK MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Livestock, in accordance with section 2-15-3102, MCA:

Frederick Moore, Miles City, Montana, appointed to serve a term ending March 1, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2025

SENATE RESOLUTION NO. 36

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF BEHAVIORAL HEALTH MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2026, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Behavioral Health, in accordance with section 2-15-1744, MCA:

Michael Aranda, Belgrade, Montana, appointed to serve a term ending July 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 37

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF CLINICAL LABORATORY SCIENCE PRACTITIONERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Clinical Laboratory Science Practitioners, in accordance with section 2-15-1753, MCA:

Cara Bushmaker, Hamilton, Montana, appointed to serve a term ending July 1, 2025.

Michelle Griffin, Helena, Montana, appointed to serve a term ending July 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 38

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF CHIROPRACTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Chiropractors, in accordance with section 2-15-1737, MCA:

Michael Matury, Great Falls, Montana, appointed to serve a term ending July 1, 2027.

Julie Murack, Conrad, Montana, appointed to serve a term ending July 1, 2025.

Dustin Rising, Bozeman, Montana, appointed to serve a term ending July 1, 2028.

Caitlin Walter, Great Falls, Montana, appointed to serve a term ending July 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 39

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PERSONNEL APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

William O'Connor, Billings, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 40

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE TRANSPORTATION COMMISSION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Transportation Commission, in accordance with section 2-15-2502, MCA:

Scott Aspenlieder, Billings, Montana, appointed to serve a term ending January 2, 2029.

Loran Frazier, Great Falls, Montana, appointed to serve a term ending January 2, 2029.

Shane Sanders, Bozeman, Montana, appointed to serve a term ending January 2, 2029.

Noel Sansaver, Wolf Point, Montana, appointed to serve a term ending January 1, 2027.

Kody Swartz, Missoula, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted March 27, 2025

SENATE RESOLUTION NO. 41

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE ELECTRICAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the State Electrical Board, in accordance with section 2-15-1764, MCA:

Clay Ledbetter, Missoula, Montana, appointed to serve a term ending July 1, 2028.

Lynn St. Thomas, Bozeman, Montana, appointed to serve a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 42

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THOMAS LEE BRUNER TO THE OFFICE OF WORKERS' COMPENSATION COURT JUDGE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Workers' Compensation Court Judge, in accordance with 2-15-1707, MCA:

Thomas Lee Bruner, Whitehall, Montana, appointed to serve a term ending September 8, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2025

SENATE RESOLUTION NO. 43

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF WATER WELL CONTRACTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Water Well Contractors, in accordance with section 2-15-3307, MCA:

Doug Askin, Miles City, Montana, appointed to serve a term ending July 1, 2027.

Andy Eslinger, Corvallis, Montana, appointed to serve a term ending July 1, 2026.

Dan O'Keefe, Butte, Montana, appointed to serve a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 44

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REALTY REGULATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Realty Regulation, in accordance with section 2-15-1757, MCA:

Patti Dundas, Billings, Montana, appointed to serve a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 45

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF VETERINARY MEDICINE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Veterinary Medicine, in accordance with section 2-15-1742, MCA:

Joshua Donald, Melville, Montana, appointed to serve a term ending July 1, 2026.

Tia Nelson, Helena, Montana, appointed to serve a term ending July 1, 2026.

Garrett Ryerson, Manhattan, Montana, appointed to serve a term ending July 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2025

SENATE RESOLUTION NO. 46

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Speech-Language Pathologists and Audiologists, in accordance with section 2-15-1739, MCA:

Hillary Carter, Helena, Montana, appointed to serve a term ending July 1, 2026.

Barbara Doughty, Great Falls, Montana, appointed to serve a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 47

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Public Employees' Retirement Board, in accordance with section 2-15-1009, MCA:

Dave Galt, Helena, Montana, appointed to serve a term ending April 1, 2028.

Doug Kary, Billings, Montana, appointed to serve a term ending April 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 22, 2025

SENATE RESOLUTION NO. 48

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REAL ESTATE APPRAISERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Real Estate Appraisers, in accordance with section 2-15-1758, MCA:

Peter Fontana, Great Falls, Montana, appointed to serve a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 49

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PHARMACY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Pharmacy, in accordance with section 2-15-1733, MCA:

Paul Brand, Florence, Montana, appointed to serve a term ending July 1, 2028.

Michelle Case, Billings, Montana, appointed to serve a term ending July 1, 2027.

Logan Tinsen, Great Falls, Montana, appointed to serve a term ending July 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy

of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 50

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PHYSICAL THERAPY EXAMINERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Physical Therapy Examiners, in accordance with section 2-15-1748, MCA:

Brace Hayden, Missoula, Montana, appointed to serve a term ending July 1, 2025.

Doug Martin, Hamilton, Montana, appointed to serve a term ending July 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 51

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE PARKS AND RECREATION BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the State Parks and Recreation Board, in accordance with section 2-15-3406, MCA:

Russ Kipp, Polaris, Montana, appointed to serve a term ending January 2, 2029.

Jody Loomis, Helena, Montana, appointed to serve a term ending January 2, 2029.

Kathy McLane, Glendive, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 52

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PLUMBERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Plumbers, in accordance with section 2-15-1765, MCA:

Karl Carlson, Helena, Montana, appointed to serve a term ending July 1, 2026.

Mike Daines, Bozeman, Montana, appointed to serve a term ending July 1, 2025.

Nathan Dale, Glasgow, Montana, appointed to serve a term ending July 1, 2027.

Mykal Jorgenson, Billings, Montana, appointed to serve a term ending July 1, 2026.

Quinton Queer, Butte, Montana, appointed to serve a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 53

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Public Education, in accordance with section 2-15-1508, MCA:

Lisa Schmidt, Conrad, Montana, appointed to serve a term ending February 1, 2031.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 1, 2025

SENATE RESOLUTION NO. 54

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Montana Facility Finance Authority, in accordance with section 2-15-1815, MCA:

Eric Hanson, Kalispell, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 55

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Montana Facility Finance Authority, in accordance with section 2-15-1815, MCA:

John Iverson, Helena, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 56

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Montana Facility Finance Authority, in accordance with section 2-15-1815, MCA:

Vu Pham, Billings, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 57

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Montana Facility Finance Authority, in accordance with section 2-15-1815, MCA:

Mel Reinhardt, Billings, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 58

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Pacific Northwest Electric Power and Conservation Planning Council, in accordance with section 90-4-402, MCA:

Doug Grob, Kalispell, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 59

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Pacific Northwest Electric Power and Conservation Planning Council, in accordance with section 90-4-402, MCA:

Mike Milburn, Cascade, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 24, 2025

SENATE RESOLUTION NO. 60

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Investments, in accordance with section 2-15-1808, MCA:

Mark Barry, Helena, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 61

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Richard Klose, Laurel, Montana, appointed to serve a term ending August 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 24, 2025

SENATE RESOLUTION NO. 62

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE

GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Michael Stone, Bigfork, Montana, appointed to serve a term ending August 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 24, 2025

SENATE RESOLUTION NO. 63

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Kurt Nelson, Scobey, Montana, appointed to serve a term ending August 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 24, 2025

SENATE RESOLUTION NO. 64

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Investments, in accordance with section 2-15-1808, MCA:

John Milanovich, Helena, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 65

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Investments, in accordance with section 2-15-1808, MCA:

Jeff Meredith, Kalispell, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 66

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Investments, in accordance with section 2-15-1808, MCA:

Maggie Peterson, Anaconda, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 67

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Investments, in accordance with section 2-15-1808, MCA:

Daniel Trost, Helena, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 69

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Regents of Higher Education, in accordance with section 2-15-1508, MCA:

Dean Folkvord, Three Forks, Montana, appointed to serve a term ending February 1, 2031.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 70

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Regents of Higher Education, in accordance with section 2-15-1508, MCA:

Heather Hoyer, Belt, Montana, appointed to serve a term ending February 1, 2032.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 71

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Regents of Higher Education, in accordance with section 2-15-1508, MCA:

Raina Mortenson, Dillon, Montana, appointed to serve a term ending July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 72

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Jen Dalrymple, Townsend, Montana, appointed to serve a term ending August 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 24, 2025

SENATE RESOLUTION NO. 73

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Chauncey Parker, Box Elder, Montana, appointed to serve a term ending August 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 24, 2025

SENATE RESOLUTION NO. 74

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE

GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Roger Hagan, Great Falls, Montana, appointed to serve a term ending August 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 24, 2025

SENATE RESOLUTION NO. 75

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Investments, in accordance with section 2-15-1808, MCA:

Dwaine Iverson, Shelby, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 5, 2025

SENATE RESOLUTION NO. 76

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Public Safety Officer Standards and Training Council, in accordance with section 44-4-402, MCA:

Shellie Brady, Bozeman, Montana, appointed to serve a term ending January 1, 2027.

Jess Edwards, Browning, Montana, appointed to serve a term ending January 1, 2027.

Anthony Hutchings, Manhattan, Montana, appointed to serve a term ending January 1, 2027.

Mark Kraft, Sidney, Montana, appointed to serve a term ending January 1, 2027.

Meaghan Mulcahy, Butte, Montana, appointed to serve a term ending January 1, 2027.

C. Kristine White, Forsyth, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 12, 2025

SENATE RESOLUTION NO. 77

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Environmental Quality in accordance with sections 2-15-111 and 2-15-3501, MCA:

Sonja Nowakowski, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 78

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF REVENUE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 6, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Revenue, in accordance with sections 2-15-111 and 2-15-1301, MCA:

Brendan Beatty, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 7, 2025

SENATE RESOLUTION NO. 79

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Agriculture, in accordance with sections 2-15-111 and 2-15-3001, MCA:

Jillien Streit, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 80

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE

APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 6, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Corrections, in accordance with sections 2-15-111 and 2-15-2301, MCA:

Brian Gootkin, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 12, 2025

SENATE RESOLUTION NO. 81

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 6, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Transportation, in accordance with sections 2-15-111 and 2-15-2501, MCA:

Chris Dorrington, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 8, 2025

SENATE RESOLUTION NO. 82

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE COMMISSIONER OF LABOR AND INDUSTRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 25, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Commissioner of Labor and Industry, in accordance with sections 2-15-111 and 2-15-1701, MCA:

Sarah Swanson, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 83

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF MILITARY AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 25, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Military Affairs, Adjutant General, in accordance with sections 2-15-111 and 2-15-1201, MCA:

Major General J. Peter Hronek, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 14, 2025

SENATE RESOLUTION NO. 84

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 25, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Fish, Wildlife, and Parks, in accordance with sections 2-15-111 and 2-15-3401, MCA:

Christy Clark, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 85

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 25, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Natural Resources and Conservation, in accordance with sections 2-15-111 and 2-15-3301, MCA:

Amanda Kaster, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 14, 2025

SENATE RESOLUTION NO. 86

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF MEDICAL EXAMINERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Medical Examiners, in accordance with section 2-15-1731, MCA:

Donald Skillman, Helena, Montana, appointed to serve a term ending July 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 87

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF AERONAUTICS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 21, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Aeronautics, in accordance with section 2-15-2506, MCA:

Wade Cebulski, Seeley Lake, Montana, appointed to serve a term ending January 3, 2029.

Tim Damrow, Missoula, Montana, appointed to serve a term ending January 3, 2029.

Tim Robertson, Lewistown, Montana, appointed to serve a term ending January 3, 2029.

Gregory Smith, Lewistown, Montana, appointed to serve a term ending January 3, 2029.

Grayson Sperry, Belgrade, Montana, appointed to serve a term ending January 3, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 7, 2025

SENATE RESOLUTION NO. 88

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF MILK CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 21, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Milk Control, in accordance with section 2-15-3105, MCA:

Brian Beerman, Fairfield, Montana, appointed to serve a term ending January 2, 2029.

Ken Bryan, Roundup, Montana, appointed to serve a term ending January 1, 2027.

Staci Ketchum, Miles City, Montana, appointed to serve a term ending January 2, 2029.

W. Scott Mitchell, Billings, Montana, appointed to serve a term ending January 1, 2027.

Travis Stroh, Glendive, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 89

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF FUNERAL SERVICE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Funeral Service, in accordance with section 2-15-1743, MCA:

Chris Holt, Helena, Montana, appointed to serve a term ending July 1, 2028.

Denis Pitman, Billings, Montana, appointed to serve a term ending July 1, 2027.

Rick Walter, Lewistown, Montana, appointed to serve a term ending July 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 90

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF LIVESTOCK MADE BY THE

GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 20, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Livestock, in accordance with section 2-15-3102, MCA:

Jake Feddes, Belgrade, Montana, appointed to serve a term ending March 1, 2031.

Greg Wichman, Hilger, Montana, appointed to serve a term ending March 1, 2031.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 91

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HOUSING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 28, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Housing, in accordance with section 2-15-1814, MCA:

Rachel Arthur, Great Falls, Montana, appointed to serve a term ending January 2, 2029.

Richard Miltenberger, Clancy, Montana, appointed to serve a term ending January 1, 2027.

Amber Parish, Billings, Montana, appointed to serve a term ending January 2, 2029.

Bruce Posey, Billings, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 11, 2025

SENATE RESOLUTION NO. 92

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE 20TH JUDICIAL DISTRICT COURT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 19, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As District Court Judge of the 20th Judicial District, in accordance with section 3-1-906, MCA:

John A. Mercer, Polson, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 93

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF CRIME CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 18, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Crime Control, in accordance with section 2-15-2008, MCA:

Leo Dutton, Helena, Montana, appointed to serve a term ending January 2, 2029.

Shantelle Gaynor, Missoula, Montana, appointed to serve a term ending January 2, 2029.

Brian Gootkin, Helena, Montana, appointed to serve a term ending January 2, 2029.

Jason Johnson, Helena, Montana, appointed to serve a term ending January 2, 2029.

Matthew Kuntz, Helena, Montana, appointed to serve a term ending January 2, 2029.

David McAlpin, Helena, Montana, appointed to serve a term ending January 1, 2027.

Meaghan Mulcahy, Butte, Montana, appointed to serve a term ending January 2, 2029.

Amy Tenney, Helena, Montana, appointed to serve a term ending January 2, 2029.

Scott Twito, Billings, Montana, appointed to serve a term ending January 2, 2029.

Andrea Van Zant, Missoula, Montana, appointed to serve a term ending January 2, 2029.

Robert Weber, Glasgow, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2025

SENATE RESOLUTION NO. 94

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA TAX APPEAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 28, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Montana Tax Appeal Board, in accordance with section 15-2-101, MCA:

Adam Millinoff, Helena, Montana, appointed to serve a term ending January 1, 2031.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 95

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Jeffrey Wivholm, Medicine Lake, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 96

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Barbara Skelton, Billings, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 97

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Corey Welter, Billings, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above

appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 98

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Mac McDermott, Shelby, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 99

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF HORSERACING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 27, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Horseracing, in accordance with section 2-15-1809, MCA:

Buckshot Nelson, Loring, Montana, appointed to serve a term ending January 1, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 7, 2025

SENATE RESOLUTION NO. 100

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Roy Brown, Billings, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 17, 2025

SENATE RESOLUTION NO. 101

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PERSONNEL APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 28, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

Jim Wonnacott, Butte, Montana, appointed to serve a term ending January 1, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 102

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE COAL BOARD MADE BY THE GOVERNOR AND

SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Coal Board, in accordance with section 2-15-1821, MCA:

Hal Fuglevand, Billings, Montana, appointed to serve a term ending January 3, 2029.

Catherine Laughner, Big Sky, Montana, appointed to serve a term ending January 3, 2029.

Scott Rosenthal, Butte, Montana, appointed to serve a term ending January 3, 2029.

Jon Wells, Hardin, Montana, appointed to serve a term ending January 3, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 11, 2025

SENATE RESOLUTION NO. 103

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE LIVESTOCK LOSS BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 7, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Livestock Loss Board, in accordance with section 2-15-3110, MCA:

Doreen Gillespie, Ethridge, Montana, appointed to serve a term ending January 2, 2029.

Joseph Kipp, Browning, Montana, appointed to serve a term ending January 2, 2029.

Jordan Mannix, Helmville, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2025

SENATE RESOLUTION NO. 104

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 28, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Public Health and Human Services, in accordance with sections 2-15-111 and 2-15-2201, MCA:

Charles Brereton, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2025

SENATE RESOLUTION NO. 105

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 28, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As the Director of the Department of Administration, in accordance with sections 2-15-111 and 2-15-1001, MCA:

Misty Ann Giles, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 25, 2025

SENATE RESOLUTION NO. 106

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PERSONNEL APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 3, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

Kerry Davant, Helena, Montana, appointed to serve a term ending January 2, 2029.

Julie Smith, Missoula, Montana, appointed to serve a term ending January 11, 2027.

Jenny Stringer, Livingston, Montana, appointed to serve a term ending January 2, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2025

SENATE RESOLUTION NO. 107

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF DENTISTRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 2, 2025, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Dentistry, in accordance with section 2-15-1732, MCA:

Julie Strong, Butte, Montana, appointed to serve a term ending July 1, 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2025

SENATE RESOLUTION NO. 108

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA DESIGNATING THE WEEK OF APRIL 14, 2025, AS TWO LIGHTS FOR TOMORROW WEEK IN MONTANA.

WHEREAS, the Montana Senate recognizes the importance of honoring and commemorating the 250th anniversary of the founding of our nation and reminding our citizens of the vital significance and relevance of our founding principles and ideals that created a unique national identity worth fighting for; and

WHEREAS, the events of 1775 that began the revolution the year before independence was declared are significant moments that signaled the creation of a national identity and unity of purpose that transcended traditional geographic, cultural, and societal divides; and

WHEREAS, individuals and communities across all of the colonies came together to support their fellow countrymen; and

WHEREAS, on the evening of April 18, 1775, with impending hostile action from the British army in Boston, Massachusetts, Paul Revere and William Dawes, along with other alarm riders, undertook a perilous ride to alert everyone in the countryside of the coming danger; and

WHEREAS, preceding their departure from Boston, a prearranged signal was set in the Old North Church steeple to ensure that the message got out and did not solely rely on just one or two alarm riders; and

WHEREAS, the two lanterns that were the signal were immortalized in Henry Wadsworth Longfellow's poem "Paul Revere's Ride" as "one if by land, and two if by sea" and have become an enduring symbol of American vigilance, perseverance, and preparedness in the face of adversity; and

WHEREAS, those alarm riders and the citizens who answered the call to arms to serve and defend their fellow countrymen that night and the following day at the battles of Lexington and Concord exemplify the spirit of community and shared responsibility that has defined our nation since its inception; and

WHEREAS, we are reminded, 250 years later, that the call for unity and the call to serve each other is no less relevant today than it was in 1775; and

WHEREAS, a national initiative has been proposed that two lights be displayed in public spaces across the country for all to see, marking that significant anniversary in April 2025 and the beginning of the 250th anniversary commemorations leading up to the 250th anniversary of the Declaration of Independence on July 4, 2026; and

WHEREAS, state commissions, state governments, federal agencies, and community, heritage, and historical organizations across the country, including the Montana 250th Commission, have eagerly endorsed the initiative, have pledged to support it and participate in it, and have encouraged others to do the same; and

WHEREAS, some participating agencies have also pledged to encourage a day of community service on April 19, 2025, as a way to encourage understanding about the true meaning of these historical commemorations, knowing that these events are not just marking history for history's sake but rather encouraging reflection on the idea that all of these historic events were endeavoring toward one common goal: the chance for a better tomorrow, together.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Montana Senate proclaims the week of April 14, 2025, as Two Lights for Tomorrow Week and calls on all citizens to unite in remembrance of our shared history, honoring the sacrifices made by those who fought for our independence and reminding ourselves of the values we hold dear today.

BE IT FURTHER RESOLVED, that the Montana Senate encourages all government buildings, community centers, museums, public spaces, historic preservation entities, and citizens to take part in this symbolic commemoration by prominently displaying two lights for all to see during the night of April 18, 2025, and to reflect on how those lights shining out in the darkness during this vigil symbolically illustrate our ongoing journey as a nation.

Adopted April 17, 2025

SENATE RESOLUTION NO. 109

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE JUDICIAL STANDARDS COMMISSION MADE BY THE SPEAKER OF THE HOUSE AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 11, 2025, TO THE SENATE.

WHEREAS, the Speaker of the House of Representatives of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Speaker of the House pursuant to section 3-1-1101, MCA:

As a member of the Judicial Standards Commission, in accordance with section 3-1-1101, MCA:

Judge Ashley Harada, 13th Judicial District, appointed to serve a term ending June 30, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State, to the Speaker of the House, and to the Chief Justice of the Montana Supreme Court.

Adopted April 23, 2025

SENATE RESOLUTION NO. 110

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE JUDICIAL STANDARDS COMMISSION MADE BY THE SPEAKER OF THE HOUSE AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 11, 2025, TO THE SENATE.

WHEREAS, the Speaker of the House of Representatives of the State of Montana has made the appointment, below designated, that has been submitted to the Senate by the Speaker of the House pursuant to section 3-1-1101, MCA:

As a member of the Judicial Standards Commission, in accordance with section 3-1-1101, MCA:

Judge Dan Wilson, 11th Judicial District, appointed to serve a term ending June 30, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 69th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointment and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State, to the Speaker of the House, and to the Chief Justice of the Montana Supreme Court.

Adopted April 23, 2025

SENATE RESOLUTION NO. 111

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA RECOGNIZING 85 YEARS OF DEDICATED SERVICE OF SMOKEJUMPERS.

WHEREAS, smokejumpers have been a source of prominence and pride in Montana and the nation since their inception and have provided a continuing service to the state and the nation; and

WHEREAS, the smokejumper program attracts highly competent, committed, and competitive personnel of diverse cultural backgrounds from around the nation to live and work in Montana; and

WHEREAS, smokejumpers have engaged in the educational, economic, charitable, social, cultural, and political sectors of Montana, in addition to their national service; and

WHEREAS, many smokejumpers have chosen Montana as the state in which to work, live, raise their families, serve, and retire; and

WHEREAS, according to its mission statement, the National Smokejumper Association is "dedicated to preserving the history and lore of smokejumping, maintaining and restoring our nation's forest and rangeland resources and responding to special needs of smokejumpers and their families"; and

WHEREAS, the values of the National Smokejumper Association are comradeship, education, pride in work well done, and loyalty; and

WHEREAS, in July 2025, the National Smokejumper Association will celebrate the 85th anniversary of the first parachute jump to a forest fire, which occurred in July 1940.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 69th Legislature of the State of Montana recognizes 85 years of excellence and dedicated service of smokejumpers in Montana and across the nation.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the National Smokejumper Association.

Adopted April 25, 2025

2024 BALLOT ISSUES

Approved by Voters in the November 2024 General Election

CONSTITUTIONAL INITIATIVE NO. 128

A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

CI-128 would amend the Montana Constitution to expressly provide a right to make and carry out decisions about one's own pregnancy, including the right to abortion. It would prohibit the government from denying or burdening the right to abortion before fetal viability. It would also prohibit the government from denying or burdening access to an abortion when a treating healthcare professional determines it is medically indicated to protect the pregnant patient's life or health. CI-128 prevents the government from penalizing patients, healthcare providers, or anyone who assists someone in exercising their right to make and carry out voluntary decisions about their pregnancy.

THE COMPLETE TEXT OF CONSTITUTIONAL INITIATIVE NO. 128

Article II of The Constitution of The State of Montana is amended by adding a new section 36 that reads:

Section 36. Right to make decisions about pregnancy.

(1) There is a right to make and carry out decisions about one's own pregnancy, including the right to abortion. This right shall not be denied or burdened unless justified by a compelling government interest achieved by the least restrictive means.

(2) The government may regulate the provision of abortion care after fetal viability provided that in no circumstance shall the government deny or burden access to an abortion that, in the good faith judgment of a treating health care professional, is medically indicated to protect the life or health of the pregnant patient.

(3) The government shall not penalize, prosecute, or otherwise take adverse action against a person based on the person's actual, potential, perceived, or alleged pregnancy outcomes. The government shall not penalize, prosecute, or otherwise take adverse action against a person for aiding or assisting another person in exercising their right to make and carry out decisions about their pregnancy with their voluntary consent.

(4) For the purposes of this section:

(a) A government interest is "compelling" only if it clearly and convincingly addresses a medically acknowledged, bona fide health risk to a pregnant patient and does not infringe on the patient's autonomous decision making.

(b) "Fetal viability" means the point in pregnancy when, in the good faith judgment of a treating health care professional and based on the particular facts of the case, there is a significant likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

Constitutional Initiative No. 128 was approved by the following vote at the General Election held November 5, 2024:

For:	345,070
Against:	252,300

TABLES

Code Sections Affected
Session Laws Affected
Senate Bill to Chapter Number
House Bill to Chapter Number
Chapter Number to Bill Number
Effective Dates by Chapter Number
Effective Dates by Date
Session Law to Code
2024 Ballot Issues to Code

CODE SECTIONS AFFECTED

This table was compiled before the codification process was completed. It does not reflect certain sections affected by name change amendments. It does reflect all other substantive changes. Those sections for which renumbering is not attributed to a particular chapter and bill number were renumbered by the Code Commissioner under the authority of 1-11-204(3)(a)(ii), MCA.

Title-Chapter-Section	Action	Chapter No.	Bill No.
1-1-110	enacted	Ch. 383	SB 286
1-1-216	amended	Ch. 561	SB 224
1-1-233	enacted	Ch. 10	HB 203
1-1-529	enacted	Ch. 109	HB 190
1-1-545	enacted	Ch. 731	HB 819
1-1-546	enacted	Ch. 731	HB 819
1-1-547	enacted	Ch. 731	HB 819
1-2-209	enacted	Ch. 64	SB 75
1-11-101	amended	Ch. 54	HB 115
1-11-103	amended	Ch. 52	HB 111
1-11-204	amended	Ch. 54	HB 115
1-11-401	enacted	Ch. 52	HB 111
1-11-402	enacted	Ch. 52	HB 111
1-11-403	enacted	Ch. 52	HB 111
1-11-404	enacted	Ch. 52	HB 111
1-11-405	enacted	Ch. 52	HB 111
1-11-406	enacted	Ch. 52	HB 111
1-11-407	enacted	Ch. 52	HB 111
1-11-408	enacted	Ch. 52	HB 111
1-11-409	enacted	Ch. 52	HB 111
1-11-410	enacted	Ch. 52	HB 111
1-11-411	enacted	Ch. 52	HB 111
2-1-215	amended	Ch. 309	HB 496
2-1-216	amended	Ch. 309	HB 496
2-1-401	repealed	Ch. 683	HB 495
2-1-402	renumbered 5-11-108	Ch. 683	HB 495
2-1-403	repealed	Ch. 683	HB 495
2-1-404	repealed	Ch. 683	HB 495
2-1-405	repealed	Ch. 683	HB 495
2-1-406	repealed	Ch. 683	HB 495
2-1-407	repealed	Ch. 683	HB 495
2-1-408	repealed	Ch. 683	HB 495
2-1-409	renumbered 5-11-109	Ch. 683	HB 495
2-1-701	enacted	Ch. 444	HB 350
2-2-106	amended	Ch. 614	SB 492
2-2-121	amended	Ch. 390	SB 360
2-3-102	amended	Ch. 555	SB 121
2-3-104	amended	Ch. 555	SB 121
2-3-214	amended	Ch. 271	HB 393
2-3-301.. amended (void — secs. 11, 12, Ch. 695)		Ch. 232	HB 126
	amended	Ch. 695	HB 592
2-4-110	amended	Ch. 695	HB 592
2-4-111	amended	Ch. 695	HB 592
2-4-302 ..amended (void — secs. 11, 12, Ch. 695)		Ch. 232	HB 126
	amended	Ch. 301	HB 473
	amended	Ch. 695	HB 592

Title-Chapter-Section	Action	Chapter No.	Bill No.
2-4-305	amended (void — sec. 11, Ch. 695; replaced — sec. 12, Ch. 695)	Ch. 232	HB 126
	amended	Ch. 301	HB 473
	amended (replaced — sec. 12, Ch. 695)	Ch. 695	HB 592
2-4-306	amended	Ch. 301	HB 473
	amended	Ch. 695	HB 592
2-4-307	amended	Ch. 301	HB 473
2-4-310	enacted (replaced — sec. 11, Ch. 695)	Ch. 695	HB 592
2-4-406	amended	Ch. 695	HB 592
2-6-1003	amended	Ch. 433	HB 264
2-6-1006	amended	Ch. 479	HB 100
2-6-1009	amended	Ch. 479	HB 100
2-6-1102	amended	Ch. 53	HB 112
2-6-1501	amended	Ch. 395	SB 380
2-10-201	enacted	Ch. 150	SB 212
2-10-202	enacted	Ch. 150	SB 212
2-10-203	enacted	Ch. 150	SB 212
2-10-204	enacted	Ch. 150	SB 212
2-10-205	enacted	Ch. 150	SB 212
2-10-206	enacted	Ch. 150	SB 212
2-10-207	enacted	Ch. 150	SB 212
2-12-104	amended	Ch. 661	HB 692
2-15-108	amended	Ch. 114	HB 215
2-15-116	amended	Ch. 53	HB 112
2-15-124	amended	Ch. 323	HB 603
2-15-143	amended	Ch. 570	SB 311
2-15-151	repealed	Ch. 704	HB 641
2-15-156	amended	Ch. 182	HB 279
2-15-211	amended	Ch. 330	HB 632
2-15-225	repealed	Ch. 434	HB 280
2-15-401	amended	Ch. 53	HB 112
	amended	Ch. 169	SB 200
2-15-1019	amended	Ch. 323	HB 603
2-15-1026	repealed	Ch. 166	SB 12
2-15-1707	amended and renumbered 3-9-101	Ch. 688	HB 516
2-15-1731	amended	Ch. 415	SB 518
	amended	Ch. 536	HB 806
	amended	Ch. 713	HB 686
2-15-1738	repealed	Ch. 310	HB 502
2-15-1739	repealed	Ch. 285	HB 438
2-15-1748	repealed	Ch. 285	HB 438
2-15-1749	repealed	Ch. 285	HB 438
2-15-1750	repealed	Ch. 310	HB 502
2-15-1752	enacted	Ch. 310	HB 502
2-15-1753	repealed	Ch. 310	HB 502
2-15-1754	enacted	Ch. 285	HB 438
2-15-1771	repealed	Ch. 285	HB 438
2-15-1782	amended	Ch. 515	HB 720
2-15-1808	amended	Ch. 738	HB 863
2-15-1822	amended	Ch. 323	HB 603
2-15-1839	enacted	Ch. 19	SB 320
2-15-2029	amended	Ch. 499	HB 589
2-15-2040	amended	Ch. 349	SB 487
2-15-2041	amended	Ch. 349	SB 487

Title-Chapter-Section	Action	Chapter No.	Bill No.
2-15-2042	amended	Ch. 349	SB 487
2-15-2043	amended	Ch. 349	SB 487
2-15-2044	amended	Ch. 349	SB 487
2-15-2045	amended	Ch. 349	SB 487
2-15-2046	enacted	Ch. 349	SB 487
2-15-2047	enacted	Ch. 349	SB 487
2-15-2051	enacted	Ch. 765	SB 45
2-15-2052	enacted	Ch. 765	SB 45
2-15-2110	repealed	Ch. 9	HB 64
2-15-2203	repealed	Ch. 366	SB 194
2-15-2218	amended	Ch. 440	HB 341
2-15-2231	enacted	Ch. 762	HB 943
2-15-2232	enacted	Ch. 762	HB 943
2-15-2305	amended	Ch. 190	HB 186
	amended	Ch. 323	HB 603
2-15-2501	amended	Ch. 306	HB 487
2-15-2502	amended	Ch. 323	HB 603
2-15-3004	repealed 7/1/2026	Ch. 426	HB 171
2-15-3110	amended	Ch. 323	HB 603
	amended	Ch. 649	HB 356
2-15-3111	amended	Ch. 649	HB 356
2-15-3112	amended	Ch. 312	HB 504
	amended	Ch. 649	HB 356
2-15-3113	amended	Ch. 649	HB 356
2-15-3402	amended	Ch. 323	HB 603
2-15-3406	amended	Ch. 323	HB 603
2-16-405	amended	Ch. 467	HB 611
2-17-425	amended	Ch. 470	HB 679
2-17-513	amended	Ch. 53	HB 112
2-17-603	amended	Ch. 53	HB 112
2-17-807	amended	Ch. 53	HB 112
2-17-808	amended	Ch. 53	HB 112
2-18-101	amended	Ch. 8	HB 60
2-18-303	amended	Ch. 21	HB 13
2-18-501	amended	Ch. 21	HB 13
2-18-502	amended	Ch. 159	SB 64
	amended	Ch. 721	HB 769
2-18-503	amended	Ch. 60	SB 26
2-18-601	amended	Ch. 67	SB 87
2-18-603	amended	Ch. 67	SB 87
2-18-624	enacted	Ch. 135	HB 128
2-18-703	amended	Ch. 21	HB 13
2-18-704	amended	Ch. 237	HB 184
	amended	Ch. 319	HB 544
	amended	Ch. 709	HB 682
	amended	Ch. 726	HB 794
2-21-101	enacted	Ch. 427	HB 178
2-21-102	enacted	Ch. 427	HB 178
2-21-103	enacted	Ch. 427	HB 178
2-21-104	enacted	Ch. 427	HB 178
3-1-130	amended	Ch. 387	SB 342
3-1-501	amended	Ch. 607	SB 429
	amended	Ch. 608	SB 430
3-1-611	amended	Ch. 351	SB 30

Title-Chapter-Section	Action	Chapter No.	Bill No.
3-1-701	amended	Ch. 387	SB 342
3-1-702	amended	Ch. 387	SB 342
3-1-814	enacted	Ch. 353	SB 41
3-1-1106	amended	Ch. 544	SB 48
3-1-1115	amended	Ch. 37	HB 431
3-1-1123	amended	Ch. 544	SB 48
3-1-1124	amended	Ch. 765	SB 45
3-1-1701	enacted	Ch. 765	SB 45
3-1-1702	enacted	Ch. 765	SB 45
3-1-1703	enacted	Ch. 765	SB 45
3-1-1704	enacted	Ch. 765	SB 45
3-1-1705	enacted	Ch. 765	SB 45
3-1-1706	enacted	Ch. 765	SB 45
3-5-102	amended	Ch. 752	HB 913
3-5-403	amended	Ch. 502	HB 693
3-5-901	amended	Ch. 79	HB 77
	amended	Ch. 607	SB 429
3-6-103	amended	Ch. 397	SB 398
3-7-224	amended	Ch. 679	HB 432
3-9-101	formerly 2-15-1707	Ch. 688	HB 516
3-9-102	enacted	Ch. 688	HB 516
3-9-103	formerly 39-71-2901	Ch. 688	HB 516
3-9-104	formerly 39-71-2902	Ch. 688	HB 516
3-9-105	enacted	Ch. 688	HB 516
3-9-106	formerly 39-71-2903	Ch. 688	HB 516
3-9-107	formerly 39-71-2904	Ch. 688	HB 516
3-9-111	formerly 39-71-2905	Ch. 688	HB 516
3-9-112	formerly 39-71-2907	Ch. 688	HB 516
3-9-113	formerly 39-71-2909	Ch. 688	HB 516
3-9-116	formerly 39-71-2910	Ch. 688	HB 516
3-9-117	formerly 39-71-2911	Ch. 688	HB 516
3-9-120	formerly 39-71-2914	Ch. 688	HB 516
3-10-101	amended	Ch. 225	SB 11
3-10-201	amended	Ch. 16	HB 39
3-10-206	amended	Ch. 16	HB 39
3-10-402	amended	Ch. 607	SB 429
	amended	Ch. 608	SB 430
3-11-101	amended	Ch. 225	SB 11
3-11-303	amended	Ch. 607	SB 429
	amended	Ch. 608	SB 430
3-15-313	amended	Ch. 175	SB 137
3-15-405	amended	Ch. 428	HB 194
3-15-411	amended	Ch. 428	HB 194
3-15-501	amended	Ch. 428	HB 194
3-15-901	enacted	Ch. 680	HB 480
5-1-102	amended	Ch. 508	HB 711
5-2-301	amended	Ch. 21	HB 13
5-2-302	amended	Ch. 159	SB 64
5-2-304	amended	Ch. 477	HB 62
5-3-105	amended	Ch. 648	HB 348
5-3-106	amended	Ch. 648	HB 348
5-4-208	amended	Ch. 673	HB 228
5-4-306	amended	Ch. 388	SB 344
	amended	Ch. 457	HB 539

Title-Chapter-Section	Action	Chapter No.	Bill No.
5-5-109	amended	Ch. 405	SB 457
5-5-113	enacted	Ch. 405	SB 457
5-5-202	amended	Ch. 625	SB 553
5-5-215	amended	Ch. 134	HB 142
5-5-227	amended	Ch. 562	SB 237
5-5-230	amended	Ch. 625	SB 553
5-5-235	formerly 53-1-216	Ch. 173	SB 162
5-5-502	enacted	Ch. 318	HB 531
5-7-112	amended	Ch. 535	HB 804
5-7-208	amended	Ch. 535	HB 804
5-11-107	amended	Ch. 405	SB 457
5-11-108	formerly 2-1-402	Ch. 683	HB 495
5-11-109	formerly 2-1-409	Ch. 683	HB 495
5-11-113	enacted	Ch. 570	SB 311
5-11-212	amended	Ch. 51	HB 110
5-11-222	amended	Ch. 53	HB 112
	amended	Ch. 439	HB 338
	amended	Ch. 625	SB 553
	amended	Ch. 659	HB 545
5-11-305	amended	Ch. 159	SB 64
5-11-708	amended	Ch. 159	SB 64
5-12-208	repealed	Ch. 460	HB 562
5-15-101	amended	Ch. 53	HB 112
5-16-102	amended	Ch. 248	HB 285
5-20-301	amended	Ch. 641	HB 153
7-1-111	amended	Ch. 537	HB 809
7-1-118	enacted	Ch. 537	HB 809
7-1-4124	amended	Ch. 240	HB 208
7-1-4127	amended	Ch. 272	HB 394
7-1-4130	amended	Ch. 225	SB 11
7-2-4734	amended	Ch. 555	SB 121
7-2-6101	enacted	Ch. 593	SB 260
7-2-6102	enacted	Ch. 593	SB 260
7-2-6103	enacted	Ch. 593	SB 260
7-2-6104	enacted	Ch. 593	SB 260
7-2-6105	enacted	Ch. 593	SB 260
7-2-6106	enacted	Ch. 593	SB 260
7-2-6107	enacted	Ch. 593	SB 260
7-2-6108	enacted	Ch. 593	SB 260
7-3-1204	amended	Ch. 225	SB 11
7-3-1323	amended	Ch. 710	HB 683
7-4-2110	amended	Ch. 101	HB 68
7-4-2503	amended	Ch. 437	HB 323
7-4-2507	amended	Ch. 148	SB 236
7-4-2508	amended	Ch. 305	HB 486
7-4-2510	amended	Ch. 148	SB 236
7-4-2631	amended	Ch. 399	SB 412
7-4-2632	amended	Ch. 480	HB 192
7-4-2635	amended	Ch. 480	HB 192
7-4-2637	amended	Ch. 480	HB 192
7-5-131	amended	Ch. 225	SB 11
7-5-132	repealed	Ch. 225	SB 11
7-5-133	repealed	Ch. 225	SB 11
7-5-134	repealed	Ch. 225	SB 11

Title-Chapter-Section	Action	Chapter No.	Bill No.
7-5-135	repealed	Ch. 225	SB 11
7-5-2111	amended	Ch. 522	HB 742
7-5-2301	amended	Ch. 710	HB 683
7-5-2311	enacted	Ch. 710	HB 683
7-5-4104	amended	Ch. 522	HB 742
7-5-4301	amended	Ch. 710	HB 683
7-5-4311	enacted	Ch. 710	HB 683
7-6-620	enacted	Ch. 554	SB 117
7-6-1501	amended	Ch. 425	HB 162
7-6-1503	amended (replaced — sec. 2, Ch. 425)	Ch. 71	SB 172
7-6-1504	amended (void — sec. 3, Ch. 425)	Ch. 71	SB 172
	amended	Ch. 225	SB 11
7-6-1541	amended (void — sec. 3, Ch. 425)	Ch. 71	SB 172
7-6-1542	amended (void — sec. 3, Ch. 425)	Ch. 71	SB 172
7-6-1601	amended	Ch. 556	SB 133
7-6-1602	amended	Ch. 556	SB 133
7-6-4020	amended	Ch. 98	HB 37
7-6-4431	repealed	Ch. 95	HB 20
7-12-2102	amended	Ch. 108	HB 159
7-12-2103	amended	Ch. 108	HB 159
7-12-2105	amended	Ch. 108	HB 159
7-12-2113	amended	Ch. 108	HB 159
7-12-4179	amended	Ch. 272	HB 394
7-12-4329	amended	Ch. 272	HB 394
7-12-4425	amended	Ch. 272	HB 394
7-12-4426	amended	Ch. 272	HB 394
7-13-2226	enacted	Ch. 328	HB 629
7-13-2233	amended	Ch. 512	HB 716
7-13-4346	enacted	Ch. 328	HB 629
7-14-202	amended	Ch. 528	HB 764
7-14-203	amended	Ch. 528	HB 764
7-14-205	amended	Ch. 528	HB 764
7-14-206	amended	Ch. 528	HB 764
7-14-207	amended	Ch. 528	HB 764
7-14-208	amended	Ch. 528	HB 764
7-14-209	amended	Ch. 528	HB 764
7-14-210	amended	Ch. 528	HB 764
7-14-241	amended	Ch. 528	HB 764
7-14-2101	amended	Ch. 17	HB 42
7-14-2404	amended	Ch. 710	HB 683
7-14-2601	amended	Ch. 17	HB 42
7-14-4401	amended	Ch. 528	HB 764
7-14-4402	amended	Ch. 528	HB 764
7-14-4403	amended	Ch. 528	HB 764
7-14-4404	amended	Ch. 528	HB 764
7-14-4405	amended	Ch. 528	HB 764
7-15-4202	amended	Ch. 55	SB 1
7-15-4206	amended	Ch. 55	SB 1
7-15-4210	amended	Ch. 55	SB 1
7-15-4234	amended	Ch. 56	SB 3
7-15-4259	amended	Ch. 55	SB 1
7-15-4282	amended	Ch. 56	SB 3
7-15-4286	amended	Ch. 678	HB 424
7-15-4289	amended	Ch. 5	HB 19

Title-Chapter-Section	Action	Chapter No.	Bill No.
7-15-4291	amended	Ch. 424	HB 156
7-21-2301	repealed	Ch. 489	HB 561
7-21-2302	repealed	Ch. 489	HB 561
7-21-2303	repealed	Ch. 489	HB 561
7-21-2304	repealed	Ch. 489	HB 561
7-21-2305	repealed	Ch. 489	HB 561
7-21-2306	repealed	Ch. 489	HB 561
7-21-2307	repealed	Ch. 489	HB 561
7-21-2308	repealed	Ch. 489	HB 561
7-21-2309	repealed	Ch. 489	HB 561
7-21-2310	repealed	Ch. 489	HB 561
7-21-2404	repealed	Ch. 287	HB 443
7-21-2405	repealed	Ch. 287	HB 443
7-21-2406	repealed	Ch. 287	HB 443
7-21-2407	repealed	Ch. 287	HB 443
7-21-2408	repealed	Ch. 287	HB 443
7-21-2409	repealed	Ch. 287	HB 443
7-21-2410	repealed	Ch. 287	HB 443
7-21-2411	repealed	Ch. 287	HB 443
7-21-2412	enacted	Ch. 287	HB 443
7-21-3101	repealed	Ch. 283	HB 430
7-21-3102	repealed	Ch. 283	HB 430
7-21-3103	repealed	Ch. 283	HB 430
7-21-3104	repealed	Ch. 283	HB 430
7-21-3105	repealed	Ch. 283	HB 430
7-21-3106	repealed	Ch. 283	HB 430
7-21-3107	repealed	Ch. 283	HB 430
7-21-3108	repealed	Ch. 283	HB 430
7-23-2109	amended	Ch. 568	SB 300
7-32-303	amended	Ch. 499	HB 589
7-32-602	enacted (amended — secs. 3, 4, Ch. 699)	Ch. 699	HB 621
7-32-2220	enacted	Ch. 303	HB 475
7-32-2242	amended	Ch. 752	HB 913
	amended (void — sec. 7, Ch. 752)	Ch. 777	HB 643
7-32-4101	amended	Ch. 261	HB 333
7-33-4107	amended	Ch. 391	SB 362
7-33-4108	amended	Ch. 391	SB 362
7-34-2165	enacted	Ch. 593	SB 260
7-34-2201	amended	Ch. 414	SB 516
7-35-2151	enacted	Ch. 316	HB 523
10-1-104	amended	Ch. 28	HB 66
10-1-502	amended	Ch. 29	HB 72
10-2-102	amended	Ch. 41	HB 81
10-2-901	amended	Ch. 491	HB 566
10-2-902	amended	Ch. 491	HB 566
10-2-903	amended	Ch. 491	HB 566
10-4-105	amended	Ch. 456	HB 538
10-4-106	amended	Ch. 456	HB 538
10-4-107	amended	Ch. 456	HB 538
10-4-108	amended	Ch. 456	HB 538
10-4-201	amended	Ch. 456	HB 538
10-4-213	amended	Ch. 456	HB 538
10-4-214	amended	Ch. 456	HB 538

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10-4-305	amended	Ch. 456	HB 538
10-4-306	amended	Ch. 456	HB 538
10-4-310	amended	Ch. 625	SB 553
13-1-101	amended	Ch. 237	HB 184
	amended	Ch. 390	SB 360
	amended	Ch. 753	HB 917
13-1-112	amended	Ch. 278	HB 413
13-1-201	amended	Ch. 225	SB 11
13-1-301	amended	Ch. 251	HB 293
13-1-403	amended	Ch. 643	HB 207
13-1-502	amended	Ch. 643	HB 207
13-2-110	amended	Ch. 472	HB 719
13-2-220	amended	Ch. 281	HB 423
13-2-222	amended	Ch. 191	HB 179
13-2-304	amended	Ch. 409	SB 490
13-2-402	amended	Ch. 184	HB 248
	amended	Ch. 238	HB 193
13-10-201	amended	Ch. 643	HB 207
13-10-211	amended	Ch. 643	HB 207
	amended	Ch. 652	HB 406
13-10-311	amended	Ch. 411	SB 498
13-10-501	amended	Ch. 643	HB 207
13-10-502	amended	Ch. 643	HB 207
13-10-503	amended	Ch. 643	HB 207
13-10-612	amended and renumbered 13-35-250	Ch. 225	SB 11
13-12-202	amended	Ch. 214	SB 242
13-13-114	amended	Ch. 381	SB 276
13-13-116	amended	Ch. 214	SB 242
13-13-201	amended	Ch. 472	HB 719
13-13-213	amended	Ch. 472	HB 719
13-13-232	amended	Ch. 472	HB 719
13-13-233	amended	Ch. 73	HB 167
13-13-234	amended	Ch. 73	HB 167
13-13-241	amended	Ch. 390	SB 360
	amended	Ch. 472	HB 719
13-13-245	amended	Ch. 472	HB 719
13-13-246	amended	Ch. 472	HB 719
13-13-602	amended	Ch. 381	SB 276
13-15-105	amended	Ch. 218	SB 115
13-15-107	amended	Ch. 381	SB 276
13-15-113	enacted	Ch. 610	SB 440
13-15-201	amended	Ch. 223	SB 58
	amended	Ch. 472	HB 719
13-15-403	amended	Ch. 547	SB 57
13-16-201	amended	Ch. 547	SB 57
13-17-203	amended	Ch. 218	SB 115
13-17-212	amended	Ch. 472	HB 719
13-19-105	amended	Ch. 689	HB 527
13-19-106	amended	Ch. 472	HB 719
13-19-205	amended	Ch. 689	HB 527
13-19-206	amended	Ch. 689	HB 527
13-19-301	amended	Ch. 472	HB 719
13-19-304	amended	Ch. 472	HB 719
13-19-312	amended	Ch. 472	HB 719

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13-21-104	amended	Ch. 409	SB 490
13-25-307	amended	Ch. 267	HB 380
13-27-114	enacted	Ch. 239	HB 201
13-27-302	amended	Ch. 590	SB 226
13-27-611	..amended and renumbered 13-35-251	Ch. 225	SB 11
13-28-101	enacted	Ch. 225	SB 11
13-28-102	enacted	Ch. 225	SB 11
13-28-103	enacted	Ch. 225	SB 11
13-28-104	enacted	Ch. 225	SB 11
13-28-201	enacted	Ch. 225	SB 11
13-28-202	enacted	Ch. 225	SB 11
13-28-203	enacted	Ch. 225	SB 11
13-28-204	enacted	Ch. 225	SB 11
13-28-205	enacted	Ch. 225	SB 11
13-28-206	enacted	Ch. 225	SB 11
13-28-207	enacted	Ch. 225	SB 11
13-28-301	enacted	Ch. 225	SB 11
13-28-401	enacted	Ch. 225	SB 11
13-35-211	amended	Ch. 342	SB 105
13-35-231	repealed	Ch. 16	HB 39
13-35-250	formerly 13-10-612	Ch. 225	SB 11
13-35-251	formerly 13-27-611	Ch. 225	SB 11
13-35-801	enacted	Ch. 541	SB 25
13-35-802	enacted	Ch. 541	SB 25
13-35-803	enacted	Ch. 541	SB 25
13-35-804	enacted	Ch. 541	SB 25
13-37-126	amended	Ch. 293	HB 455
13-37-211	amended	Ch. 16	HB 39
13-37-219	amended	Ch. 390	SB 360
13-37-221	enacted	Ch. 526	HB 759
13-37-226	amended	Ch. 390	SB 360
	amended	Ch. 722	HB 770
13-37-232	amended	Ch. 753	HB 917
13-37-234	amended	Ch. 390	SB 360
13-37-501	amended	Ch. 730	HB 818
13-37-502	amended	Ch. 730	HB 818
13-37-503	amended	Ch. 730	HB 818
13-37-505	enacted	Ch. 730	HB 818
13-38-201	amended	Ch. 217	SB 184
	amended	Ch. 715	HB 725
13-38-205	amended	Ch. 202	SB 366
15-1-116	amended	Ch. 530	HB 785
15-1-121	amended	Ch. 327	HB 625
	amended (void — secs. 27, 29, 31, Ch. 674)	Ch. 674	HB 231
	amended	Ch. 767	SB 542
15-1-124	enacted	Ch. 767	SB 542
15-1-233	enacted	Ch. 80	HB 91
15-1-402	amended	Ch. 424	HB 156
15-1-409	repealed 7/1/2026	Ch. 424	HB 156
15-1-802	amended	Ch. 11	SB 54
15-1-803	amended	Ch. 11	SB 54
15-1-2305	enacted	Ch. 767	SB 542
15-1-2306	enacted	Ch. 767	SB 542
15-1-2307	enacted	Ch. 767	SB 542

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15-2-301	amended	Ch. 206	SB 328
	amended	Ch. 385	SB 302
15-6-133	amended	Ch. 767	SB 542
15-6-134	amended	Ch. 564	SB 247
amended (void — secs. 27, 29, 31, Ch. 674)		Ch. 674	HB 231
amended (amended — sec. 27, Ch. 674)		Ch. 767	SB 542
15-6-135	amended	Ch. 620	SB 534
	amended	Ch. 623	SB 550
15-6-156	amended	Ch. 620	SB 534
	amended	Ch. 678	HB 424
15-6-162	amended	Ch. 678	HB 424
15-6-201	amended	Ch. 421	HB 87
15-6-219	amended	Ch. 620	SB 534
	amended	Ch. 675	HB 329
15-6-221	amended	Ch. 272	HB 394
15-6-237	enacted	Ch. 14	HB 29
15-6-238	enacted	Ch. 14	HB 29
15-6-243	amended	Ch. 620	SB 534
15-6-244	enacted	Ch. 601	SB 337
15-6-245	enacted	Ch. 627	SB 560
15-6-301	amended	Ch. 640	HB 140
15-6-302	amended	Ch. 640	HB 140
15-6-312	amended	Ch. 640	HB 140
15-6-314	enacted	Ch. 640	HB 140
15-6-401 .. enacted (amended — sec. 29, Ch. 674)		Ch. 767	SB 542
15-6-402	enacted	Ch. 767	SB 542
15-6-405	enacted	Ch. 767	SB 542
15-6-407	enacted	Ch. 767	SB 542
15-6-411	enacted	Ch. 767	SB 542
15-6-415	enacted	Ch. 767	SB 542
15-6-418	enacted	Ch. 767	SB 542
15-6-425	enacted	Ch. 767	SB 542
15-6-501	enacted	Ch. 755	HB 920
15-6-502	enacted	Ch. 755	HB 920
15-6-503	enacted	Ch. 755	HB 920
15-6-504	enacted	Ch. 755	HB 920
15-6-505	enacted	Ch. 755	HB 920
15-6-506	enacted	Ch. 755	HB 920
15-6-507	enacted	Ch. 755	HB 920
15-6-508	enacted	Ch. 755	HB 920
15-6-701	enacted	Ch. 775	HB 924
15-6-702	enacted	Ch. 775	HB 924
15-6-703	enacted	Ch. 775	HB 924
15-6-704	enacted	Ch. 775	HB 924
15-6-705	enacted	Ch. 775	HB 924
15-7-102 .....amended (void — secs. 27, 29, 31, Ch. 674)		Ch. 674	HB 231
	amended	Ch. 767	SB 542
	amended	Ch. 775	HB 924
15-7-111	amended	Ch. 42	HB 90
	amended	Ch. 562	SB 237
15-7-137	enacted	Ch. 398	SB 404
15-7-141	enacted	Ch. 384	SB 289
15-8-111	amended	Ch. 83	HB 108

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15-10-305	amended	Ch. 601	SB 337
	amended	Ch. 755	HB 920
15-10-420	amended	Ch. 95	HB 20
	amended	Ch. 554	SB 117
	amended	Ch. 636	HB 85
	amended	Ch. 658	HB 483
	amended	Ch. 775	HB 924
15-10-425	amended	Ch. 95	HB 20
15-15-101	amended	Ch. 168	SB 5
amended (void — secs. 27, 29, 31, Ch. 674)		Ch. 674	HB 231
	amended	Ch. 767	SB 542
	amended	Ch. 775	HB 924
15-15-102	...amended (void — secs. 27, 29, 31, Ch. 674)	Ch. 674	HB 231
	amended	Ch. 767	SB 542
	amended	Ch. 775	HB 924
15-15-103	...amended (void — secs. 27, 29, 31, Ch. 674)	Ch. 674	HB 231
	amended	Ch. 767	SB 542
	amended	Ch. 775	HB 924
15-16-101	...amended (void — secs. 27, 29, 31, Ch. 674)	Ch. 674	HB 231
	amended	Ch. 767	SB 542
	amended	Ch. 775	HB 924
15-16-611	amended	Ch. 103	HB 89
15-17-121	amended	Ch. 210	SB 306
15-17-125	...amended (void — secs. 27, 29, 31, Ch. 674)	Ch. 674	HB 231
	amended	Ch. 767	SB 542
	amended	Ch. 775	HB 924
15-18-220	amended	Ch. 210	SB 306
15-24-1411	enacted	Ch. 675	HB 329
15-27-101	enacted	Ch. 420	HB 56
15-27-102	enacted	Ch. 420	HB 56
15-27-103	enacted	Ch. 420	HB 56
15-27-104	enacted	Ch. 420	HB 56
15-27-105	enacted	Ch. 420	HB 56
15-27-106	enacted	Ch. 420	HB 56
15-27-107	enacted	Ch. 420	HB 56
15-27-108	enacted	Ch. 420	HB 56
15-27-109	enacted	Ch. 420	HB 56
15-27-110	enacted	Ch. 420	HB 56
15-27-111	enacted	Ch. 420	HB 56
15-27-112	enacted	Ch. 420	HB 56
15-27-113	enacted	Ch. 420	HB 56
15-30-2103	amended	Ch. 227	HB 337
15-30-2120	..... amended (amended — sec. 3, Ch. 734)	Ch. 545	SB 53
	amended	Ch. 586	SB 93
	amended	Ch. 638	HB 129
amended (void — secs. 27, 29, 31, Ch. 674)		Ch. 674	HB 231
	amended	Ch. 675	HB 329
	amended	Ch. 734	HB 845
	amended	Ch. 767	SB 542

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15-30-2191	amended	Ch. 53	HB 112
15-30-2318	amended	Ch. 227	HB 337
15-30-2339	amended	Ch. 545	SB 53
15-30-2342	amended	Ch. 545	SB 53
15-30-2357	amended	Ch. 751	HB 908
15-30-2361	amended	Ch. 751	HB 908
15-30-2503	amended	Ch. 468	HB 665
15-30-2512	amended	Ch. 738	HB 863
15-30-2538	amended	Ch. 545	SB 53
15-30-3102	amended	Ch. 592	SB 253
15-30-3103	amended	Ch. 592	SB 253
15-30-3105	amended	Ch. 592	SB 253
15-30-3106	amended	Ch. 592	SB 253
15-31-113	amended	Ch. 675	HB 329
15-31-172	amended	Ch. 53	HB 112
15-31-175	amended	Ch. 751	HB 908
15-31-1002	amended	Ch. 598	SB 326
15-31-1003	amended	Ch. 598	SB 326
15-31-1004	amended	Ch. 598	SB 326
15-31-1007	amended	Ch. 598	SB 326
15-31-1009	amended	Ch. 598	SB 326
15-31-1010	amended	Ch. 598	SB 326
15-31-1013	enacted	Ch. 598	SB 326
15-35-108	amended	Ch. 771	HB 368
15-36-331	amended	Ch. 572	SB 339
15-38-302	amended	Ch. 775	HB 924
15-39-110	amended	Ch. 94	HB 18
15-44-103	amended	Ch. 4	HB 17
15-53-129	amended	Ch. 476	HB 45
15-62-103	amended	Ch. 545	SB 53
15-62-207	amended	Ch. 545	SB 53
	amended	Ch. 734	HB 845
15-64-101	amended	Ch. 550	SB 74
15-65-121	amended	Ch. 605	SB 409
	amended	Ch. 738	HB 863
15-68-101	amended	Ch. 47	HB 99
15-70-401	amended	Ch. 445	HB 351
15-70-402	amended	Ch. 445	HB 351
15-70-403	amended	Ch. 445	HB 351
15-70-404	amended	Ch. 445	HB 351
15-70-433	amended	Ch. 460	HB 562
15-70-441	amended	Ch. 445	HB 351
15-70-450	amended	Ch. 460	HB 562
15-70-801	amended	Ch. 216	SB 228
15-70-802	amended	Ch. 216	SB 228
15-70-803	amended	Ch. 216	SB 228
15-70-804	amended	Ch. 216	SB 228
15-70-805	amended	Ch. 216	SB 228
16-1-106	amended	Ch. 519	HB 735
	amended	Ch. 637	HB 86
16-1-205	amended	Ch. 225	SB 11
16-1-302	amended	Ch. 81	HB 92
16-1-303	amended	Ch. 637	HB 86
16-1-406	amended	Ch. 637	HB 86

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16-1-411	amended	Ch. 637	HB 86
16-3-101	amended	Ch. 637	HB 86
16-3-104	amended	Ch. 637	HB 86
16-3-212	amended	Ch. 637	HB 86
16-3-214	amended	Ch. 637	HB 86
16-3-217	repealed	Ch. 637	HB 86
16-3-218	repealed	Ch. 637	HB 86
16-3-219	repealed	Ch. 637	HB 86
16-3-220	repealed	Ch. 637	HB 86
16-3-221	repealed	Ch. 637	HB 86
16-3-222	repealed	Ch. 637	HB 86
16-3-223	repealed	Ch. 637	HB 86
16-3-224	repealed	Ch. 637	HB 86
16-3-225	repealed	Ch. 637	HB 86
16-3-226	repealed	Ch. 637	HB 86
16-3-230	repealed	Ch. 637	HB 86
16-3-231	repealed	Ch. 637	HB 86
16-3-232	repealed	Ch. 637	HB 86
16-3-233	amended	Ch. 81	HB 92
	repealed	Ch. 637	HB 86
16-3-234	repealed	Ch. 637	HB 86
16-3-241	amended	Ch. 637	HB 86
16-3-242	amended	Ch. 637	HB 86
16-3-243	amended	Ch. 637	HB 86
16-3-244	amended	Ch. 637	HB 86
16-3-301	amended	Ch. 81	HB 92
	amended	Ch. 155	SB 132
	amended	Ch. 637	HB 86
16-3-302	amended	Ch. 307	HB 491
	amended	Ch. 745	HB 882
16-3-311	amended	Ch. 231	HB 123
	amended	Ch. 745	HB 882
16-3-313	amended	Ch. 115	HB 249
16-3-316	amended	Ch. 637	HB 86
16-3-321	amended	Ch. 637	HB 86
16-3-323	amended	Ch. 155	SB 132
16-3-401	repealed	Ch. 637	HB 86
16-3-402	amended	Ch. 637	HB 86
16-3-403	repealed	Ch. 637	HB 86
16-3-404	repealed	Ch. 637	HB 86
16-3-406	amended	Ch. 637	HB 86
16-3-411	amended	Ch. 637	HB 86
16-3-415	repealed	Ch. 637	HB 86
16-3-416	repealed	Ch. 637	HB 86
16-3-417	repealed	Ch. 637	HB 86
16-3-418	repealed	Ch. 637	HB 86
16-3-419	repealed	Ch. 637	HB 86
16-3-420	repealed	Ch. 637	HB 86
16-3-421	repealed	Ch. 637	HB 86
16-3-501	enacted	Ch. 637	HB 86
16-3-502	enacted	Ch. 637	HB 86
16-3-503	enacted	Ch. 637	HB 86
16-3-504	enacted	Ch. 637	HB 86
16-3-505	enacted	Ch. 637	HB 86

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16-3-506	enacted	Ch. 637	HB 86
16-3-507	enacted	Ch. 637	HB 86
16-3-508	enacted	Ch. 637	HB 86
16-3-509	enacted	Ch. 637	HB 86
16-3-510	enacted	Ch. 637	HB 86
16-3-511	enacted	Ch. 637	HB 86
16-3-512	enacted	Ch. 637	HB 86
16-3-513	enacted	Ch. 637	HB 86
16-3-514	enacted	Ch. 637	HB 86
16-3-515	enacted	Ch. 637	HB 86
16-3-516	enacted	Ch. 637	HB 86
16-3-517	enacted	Ch. 637	HB 86
16-3-518	enacted	Ch. 637	HB 86
16-3-519	enacted	Ch. 637	HB 86
16-3-520	enacted	Ch. 637	HB 86
16-4-101	amended	Ch. 637	HB 86
16-4-106	amended	Ch. 637	HB 86
16-4-107	amended	Ch. 637	HB 86
16-4-111	amended	Ch. 53	HB 112
16-4-113	repealed	Ch. 637	HB 86
16-4-115	amended	Ch. 75	HB 211
16-4-213	amended	Ch. 745	HB 882
16-4-307	enacted	Ch. 75	HB 211
16-4-312	amended	Ch. 488	HB 549
16-4-313	amended	Ch. 637	HB 86
16-4-314	amended	Ch. 637	HB 86
16-4-315	amended	Ch. 307	HB 491
16-4-401	amended	Ch. 488	HB 549
	amended	Ch. 637	HB 86
16-4-404	amended	Ch. 215	SB 241
16-4-406	amended	Ch. 637	HB 86
16-4-407	amended	Ch. 637	HB 86
16-4-414	amended	Ch. 81	HB 92
	amended	Ch. 519	HB 735
16-4-418	amended	Ch. 270	HB 391
16-4-501	amended	Ch. 75	HB 211
	amended	Ch. 637	HB 86
16-4-801	amended	Ch. 81	HB 92
	amended	Ch. 86	HB 150
16-4-906	amended	Ch. 637	HB 86
16-4-1001	amended	Ch. 75	HB 211
16-4-1002	amended	Ch. 75	HB 211
16-4-1003	amended	Ch. 75	HB 211
16-4-1004	amended	Ch. 75	HB 211
16-4-1005	amended	Ch. 75	HB 211
	amended	Ch. 307	HB 491
16-4-1006	amended	Ch. 107	HB 157
	amended	Ch. 111	HB 196
16-4-1007	amended	Ch. 75	HB 211
16-4-1008	amended	Ch. 75	HB 211
16-4-1010	enacted	Ch. 75	HB 211
16-6-303	amended	Ch. 215	SB 241
	amended	Ch. 745	HB 882
16-6-305	amended	Ch. 111	HB 196

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16-6-314	amended	Ch. 155	SB 132
16-11-305	amended	Ch. 115	HB 249
16-12-101	amended	Ch. 100	HB 49
16-12-102	amended	Ch. 100	HB 49
	amended	Ch. 550	SB 74
16-12-104	amended	Ch. 115	HB 249
	amended	Ch. 350	SB 27
	amended	Ch. 550	SB 74
16-12-106	amended	Ch. 155	SB 132
16-12-108	amended	Ch. 100	HB 49
16-12-111	amended	Ch. 758	HB 932
16-12-112	amended	Ch. 100	HB 49
	amended	Ch. 532	HB 792
16-12-117	amended	Ch. 100	HB 49
16-12-125	amended	Ch. 550	SB 74
16-12-201	amended	Ch. 350	SB 27
16-12-203	amended	Ch. 550	SB 74
16-12-208	amended	Ch. 100	HB 49
16-12-210	amended	Ch. 350	SB 27
16-12-215	amended	Ch. 532	HB 792
16-12-221	amended	Ch. 550	SB 74
16-12-223	amended	Ch. 350	SB 27
16-12-224	amended	Ch. 350	SB 27
	amended	Ch. 500	HB 636
	amended	Ch. 550	SB 74
16-12-301	amended	Ch. 225	SB 11
	amended	Ch. 350	SB 27
16-12-305	amended	Ch. 100	HB 49
16-12-311	amended	Ch. 225	SB 11
17-1-102	amended	Ch. 460	HB 562
17-1-401	enacted	Ch. 775	HB 924
17-1-402	enacted	Ch. 775	HB 924
17-1-403	enacted	Ch. 775	HB 924
17-1-404	enacted	Ch. 775	HB 924
17-1-405	enacted	Ch. 775	HB 924
17-1-406	enacted	Ch. 775	HB 924
17-2-107	amended	Ch. 26	HB 61
17-2-501	enacted	Ch. 569	SB 303
17-2-502	enacted	Ch. 569	SB 303
17-3-222	amended	Ch. 94	HB 18
17-5-205	amended	Ch. 27	HB 63
17-5-703	amended	Ch. 687	HB 515
17-6-105	amended	Ch. 167	SB 9
17-6-214	amended	Ch. 775	HB 924
17-6-308	amended	Ch. 775	HB 924
17-6-309	amended	Ch. 93	HB 16
17-6-311	amended	Ch. 93	HB 16
17-6-316	amended	Ch. 93	HB 16
17-6-317	amended	Ch. 775	HB 924
17-6-410	enacted	Ch. 442	HB 346
17-6-606	amended	Ch. 198	SB 495
	amended	Ch. 496	HB 576
17-6-610	repealed	Ch. 198	SB 495
17-6-801	amended	Ch. 684	HB 505

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17-6-804	amended	Ch. 684	HB 505
17-6-805	amended	Ch. 684	HB 505
17-7-102	amended	Ch. 738	HB 863
17-7-130	amended	Ch. 775	HB 924
17-7-134	repealed	Ch. 775	HB 924
17-7-135	enacted	Ch. 775	HB 924
17-7-140	amended	Ch. 775	HB 924
17-7-201	amended	Ch. 773	HB 5
17-7-202	amended	Ch. 773	HB 5
17-7-210	amended	Ch. 773	HB 5
17-7-214	amended	Ch. 625	SB 553
17-7-223	amended	Ch. 773	HB 5
17-7-502	amended	Ch. 53	HB 112
	amended	Ch. 129	HB 227
	amended	Ch. 420	HB 56
	amended	Ch. 475	HB 808
	amended	Ch. 476	HB 45
	amended	Ch. 540	HB 855
	amended	Ch. 636	HB 85
	amended	Ch. 642	HB 161
	amended	Ch. 645	HB 281
	amended	Ch. 687	HB 515
	amended	Ch. 704	HB 641
	amended	Ch. 736	HB 849
	amended	Ch. 767	SB 542
18-2-109	enacted	Ch. 297	HB 466
18-2-301	amended	Ch. 78	HB 53
18-2-302	amended	Ch. 165	SB 29
18-2-413	amended	Ch. 644	HB 239
18-2-414	amended	Ch. 644	HB 239
18-4-126	amended	Ch. 628	SB 564
18-4-127	enacted	Ch. 375	SB 246
18-4-128	enacted	Ch. 660	HB 627
18-4-132	amended	Ch. 228	HB 102
	amended	Ch. 375	SB 246
	amended	Ch. 770	SB 232
18-5-417	enacted	Ch. 642	HB 161
18-7-401	amended	Ch. 166	SB 12
18-7-402	amended	Ch. 166	SB 12
18-7-403	repealed	Ch. 166	SB 12
18-7-404	amended	Ch. 166	SB 12
18-7-405	amended	Ch. 166	SB 12
19-2-303	amended	Ch. 477	HB 62
19-2-405	amended	Ch. 636	HB 85
19-2-406	amended (amended — sec. 27, Ch. 477)	Ch. 477	HB 62
	amended	Ch. 596	SB 316
19-2-409	amended	Ch. 636	HB 85
19-2-506	amended	Ch. 477	HB 62
19-2-704	amended	Ch. 477	HB 62
19-2-801	amended	Ch. 477	HB 62
19-2-908	amended	Ch. 477	HB 62
19-2-1005	amended	Ch. 477	HB 62
19-2-1007	amended	Ch. 477	HB 62

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19-3-108	amended	Ch. 477	HB 62
19-3-316	...amended (void — sec. 44(1), Ch. 775)	Ch. 546	SB 56
	amended	Ch. 775	HB 924
19-3-412	amended	Ch. 477	HB 62
19-3-505	amended	Ch. 477	HB 62
19-3-1103	amended	Ch. 477	HB 62
19-3-1106	amended	Ch. 477	HB 62
19-5-101	amended	Ch. 477	HB 62
19-5-301	amended	Ch. 688	HB 516
19-5-404	amended	Ch. 636	HB 85
19-5-802	amended	Ch. 477	HB 62
19-6-101	amended	Ch. 152	SB 208
	amended	Ch. 477	HB 62
19-6-404	amended	Ch. 546	SB 56
	amended	Ch. 636	HB 85
19-7-101	amended	Ch. 477	HB 62
19-7-403	amended	Ch. 636	HB 85
19-7-404	amended	Ch. 546	SB 56
	amended	Ch. 636	HB 85
19-7-1101	amended	Ch. 477	HB 62
19-8-101	amended	Ch. 477	HB 62
19-8-504	amended	Ch. 546	SB 56
	amended	Ch. 636	HB 85
19-8-601	amended	Ch. 477	HB 62
19-8-1003	amended	Ch. 477	HB 62
19-9-104	amended	Ch. 152	SB 208
	amended	Ch. 477	HB 62
19-9-903	amended	Ch. 596	SB 316
19-9-1101	amended	Ch. 477	HB 62
19-13-104	amended	Ch. 152	SB 208
	amended	Ch. 477	HB 62
19-13-803	amended	Ch. 596	SB 316
19-13-902	amended	Ch. 477	HB 62
19-17-404	amended	Ch. 448	HB 358
19-20-101	amended	Ch. 136	HB 67
19-20-208	amended	Ch. 136	HB 67
19-20-302	amended	Ch. 136	HB 67
19-20-303	amended	Ch. 136	HB 67
19-20-417	amended	Ch. 136	HB 67
19-20-609	amended	Ch. 775	HB 924
19-20-703	amended	Ch. 136	HB 67
19-20-732	amended	Ch. 132	HB 158
19-20-734	amended	Ch. 449	HB 359
19-20-735	enacted	Ch. 443	HB 349
19-20-905	amended	Ch. 136	HB 67
20-1-102	amended	Ch. 358	SB 107
20-1-230	amended	Ch. 72	HB 118
20-1-232	amended	Ch. 380	SB 271
	amended	Ch. 407	SB 482
20-1-301	amended	Ch. 96	HB 24
20-1-306	amended	Ch. 320	HB 591
20-1-308	amended	Ch. 647	HB 343
20-1-501	amended	Ch. 557	SB 181
20-1-502	amended	Ch. 557	SB 181

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20-1-503	amended	Ch. 557	SB 181
20-1-603	amended	Ch. 458	HB 553
20-1-604	amended	Ch. 458	HB 553
20-3-205	amended	Ch. 96	HB 24
	amended	Ch. 466	HB 606
20-3-209	amended	Ch. 424	HB 156
20-3-302	amended	Ch. 466	HB 606
20-3-305	amended	Ch. 652	HB 406
20-3-312	amended	Ch. 466	HB 606
20-3-323	amended	Ch. 716	HB 745
20-3-324	amended	Ch. 424	HB 156
	amended	Ch. 716	HB 745
20-3-325	amended	Ch. 482	HB 252
20-3-326	amended	Ch. 96	HB 24
	amended	Ch. 439	HB 338
20-3-342	amended	Ch. 466	HB 606
20-3-363	amended	Ch. 492	HB 567
20-3-369	amended	Ch. 8	HB 60
20-4-104	amended	Ch. 716	HB 745
20-4-134	amended	Ch. 124	HB 260
20-4-206	amended	Ch. 697	HB 602
20-4-209	enacted	Ch. 697	HB 602
20-4-502	amended	Ch. 536	HB 806
	amended	Ch. 671	HB 151
20-4-503	amended	Ch. 313	HB 509
	amended (void — sec. 7(4), Ch. 671)	Ch. 671	HB 151
20-4-504	amended	Ch. 313	HB 509
20-4-505	amended	Ch. 313	HB 509
20-4-601	amended	Ch. 774	HB 499
20-4-702	amended	Ch. 671	HB 151
20-5-101	amended	Ch. 439	HB 338
	amended	Ch. 672	HB 168
20-5-109	amended	Ch. 724	HB 778
20-5-112	amended	Ch. 603	SB 350
20-5-320	amended	Ch. 431	HB 250
20-5-322	amended	Ch. 431	HB 250
20-5-323	amended	Ch. 424	HB 156
	amended (amended — sec. 9, Ch. 431)	Ch. 431	HB 250
20-5-324	amended	Ch. 424	HB 156
	amended	Ch. 431	HB 250
20-5-420	amended	Ch. 151	SB 211
	amended	Ch. 322	HB 600
20-5-421	amended	Ch. 151	SB 211
20-5-422	enacted	Ch. 322	HB 600
20-5-426	amended	Ch. 581	SB 503
20-6-105	amended (void — sec. 8, Ch. 735)	Ch. 593	SB 260
	amended	Ch. 735	HB 846
20-6-106	enacted	Ch. 735	HB 846
20-6-107	enacted	Ch. 735	HB 846
20-6-108	enacted	Ch. 735	HB 846
20-6-109	enacted	Ch. 735	HB 846
20-6-202	amended	Ch. 466	HB 606
20-6-314	amended	Ch. 466	HB 606
20-6-326	amended	Ch. 482	HB 252

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20-6-410	amended	Ch. 466	HB 606
20-6-411	amended	Ch. 466	HB 606
20-6-413	amended	Ch. 466	HB 606
20-6-414	amended	Ch. 466	HB 606
20-6-423	amended	Ch. 466	HB 606
20-6-424	amended	Ch. 466	HB 606
20-6-702	amended	Ch. 163	SB 34
	amended	Ch. 424	HB 156
	amended	Ch. 687	HB 515
20-6-703	amended	Ch. 163	SB 34
20-6-704	amended	Ch. 466	HB 606
20-6-803	amended	Ch. 243	HB 251
20-6-804	amended	Ch. 97	HB 28
20-6-805	amended	Ch. 97	HB 28
amended (amended — sec. 10, Ch. 739)		Ch. 243	HB 251
20-6-806	amended	Ch. 97	HB 28
20-6-809	amended	Ch. 97	HB 28
20-6-811	amended	Ch. 243	HB 251
20-6-812	amended	Ch. 97	HB 28
	amended	Ch. 243	HB 251
	amended	Ch. 482	HB 252
20-7-101	amended	Ch. 557	SB 181
20-7-102	amended	Ch. 482	HB 252
20-7-117	amended	Ch. 96	HB 24
20-7-118	amended	Ch. 431	HB 250
20-7-120	amended	Ch. 300	HB 471
20-7-309	enacted	Ch. 122	HB 357
20-7-310	enacted	Ch. 677	HB 381
20-7-330	amended	Ch. 538	HB 823
20-7-419	amended	Ch. 364	SB 191
	amended	Ch. 706	HB 669
20-7-421	amended	Ch. 431	HB 250
20-7-435	amended	Ch. 706	HB 669
20-7-436	amended	Ch. 364	SB 191
20-7-476	enacted	Ch. 740	HB 866
20-7-712	repealed	Ch. 290	HB 449
20-7-1310	amended	Ch. 392	SB 369
20-7-1316	amended	Ch. 358	SB 107
	amended	Ch. 374	SB 245
20-7-1324	amended	Ch. 329	HB 631
	amended	Ch. 567	SB 297
20-7-1339	enacted	Ch. 742	HB 869
20-7-1404	amended	Ch. 482	HB 252
20-7-1503	amended	Ch. 482	HB 252
	amended	Ch. 594	SB 278
20-7-1506	amended	Ch. 482	HB 252
	amended	Ch. 594	SB 278
20-7-1601	amended	Ch. 462	HB 573
20-7-1602	amended	Ch. 462	HB 573
	amended	Ch. 482	HB 252
20-7-1605	enacted	Ch. 462	HB 573
20-7-1709	amended	Ch. 408	SB 486
20-7-1801	amended	Ch. 439	HB 338
20-7-1802	amended	Ch. 439	HB 338

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20-7-1803	amended	Ch. 439	HB 338
20-7-1804	amended	Ch. 162	SB 35
	amended	Ch. 439	HB 338
20-8-102	amended	Ch. 237	HB 184
20-8-104	amended	Ch. 237	HB 184
20-8-107	amended	Ch. 237	HB 184
20-8-116	amended	Ch. 237	HB 184
20-8-121	amended	Ch. 671	HB 151
20-9-101	amended	Ch. 424	HB 156
20-9-104	amended	Ch. 424	HB 156
20-9-116	amended	Ch. 15	HB 22
20-9-131	amended	Ch. 424	HB 156
20-9-141	amended	Ch. 424	HB 156
20-9-166	amended	Ch. 160	SB 37
20-9-212	amended	Ch. 424	HB 156
20-9-235	amended	Ch. 424	HB 156
20-9-236	amended	Ch. 742	HB 869
20-9-306	amended	Ch. 38	HB 15
	amended (replaced — sec. 27, Ch. 424)	Ch. 424	HB 156
	amended	Ch. 482	HB 252
	amended	Ch. 492	HB 567
	amended	Ch. 658	HB 483
20-9-308	amended	Ch. 424	HB 156
20-9-310	amended	Ch. 424	HB 156
20-9-311	amended	Ch. 96	HB 24
	amended	Ch. 162	SB 35
	amended	Ch. 439	HB 338
	amended	Ch. 466	HB 606
	amended	Ch. 672	HB 168
20-9-313	amended	Ch. 96	HB 24
20-9-324	amended	Ch. 482	HB 252
	amended (void — sec. 7(1), Ch. 671)	Ch. 671	HB 151
20-9-326	amended	Ch. 244	HB 266
20-9-327	amended (amended — sec. 4, Ch. 594, and sec. 7(2), Ch. 671)	Ch. 482	HB 252
	amended	Ch. 536	HB 806
	amended (void — sec. 4, Ch. 594)	Ch. 594	SB 278
	amended (void — sec. 7(2), Ch. 671)	Ch. 671	HB 151
20-9-329	amended	Ch. 557	SB 181
20-9-331	amended	Ch. 94	HB 18
	amended	Ch. 658	HB 483
20-9-332	amended	Ch. 94	HB 18
20-9-333	amended	Ch. 94	HB 18
	amended	Ch. 658	HB 483
20-9-336	amended (replaced — sec. 28, Ch. 424)	Ch. 424	HB 156
	amended	Ch. 658	HB 483
20-9-344	amended	Ch. 482	HB 252
20-9-360	amended	Ch. 658	HB 483
20-9-362	enacted	Ch. 424	HB 156
20-9-365	enacted (amended — sec. 23(2), Ch. 658)	Ch. 658	HB 483
20-9-366	amended (replaced — sec. 30, Ch. 424)	Ch. 424	HB 156
	amended	Ch. 482	HB 252
	amended	Ch. 658	HB 483

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20-9-367	amended	Ch. 424	HB 156
	amended	Ch. 658	HB 483
20-9-368	amended	Ch. 424	HB 156
	amended	Ch. 658	HB 483
20-9-369	amended	Ch. 424	HB 156
20-9-380	amended	Ch. 687	HB 515
20-9-381	enacted	Ch. 482	HB 252
20-9-382	enacted	Ch. 482	HB 252
20-9-383	enacted	Ch. 482	HB 252
20-9-384	enacted	Ch. 482	HB 252
20-9-404	amended	Ch. 658	HB 483
20-9-502	amended	Ch. 466	HB 606
	amended	Ch. 687	HB 515
	amended	Ch. 742	HB 869
20-9-505	amended	Ch. 431	HB 250
20-9-515	amended	Ch. 424	HB 156
20-9-516	... amended (replaced — sec. 9, Ch. 739)	Ch. 687	HB 515
	amended (replaced — sec. 9, Ch. 739)	Ch. 739	HB 864
20-9-525	amended	Ch. 658	HB 483
	amended	Ch. 687	HB 515
20-9-533	amended	Ch. 658	HB 483
	amended	Ch. 687	HB 515
20-9-534	repealed	Ch. 687	HB 515
20-9-537	amended	Ch. 558	SB 182
20-9-622	amended	Ch. 687	HB 515
20-9-635	amended	Ch. 687	HB 515
20-9-638	amended	Ch. 161	SB 36
20-10-141	amended	Ch. 658	HB 483
20-10-144	amended	Ch. 658	HB 483
20-10-145	amended	Ch. 658	HB 483
20-10-146	amended	Ch. 658	HB 483
20-11-106	amended	Ch. 363	SB 177
20-11-107	amended	Ch. 53	HB 112
20-15-310	amended	Ch. 53	HB 112
	amended	Ch. 739	HB 864
20-15-328	amended	Ch. 739	HB 864
20-20-109	amended	Ch. 422	HB 125
20-20-201	amended	Ch. 652	HB 406
	amended	Ch. 689	HB 527
20-20-401	amended	Ch. 652	HB 406
20-25-428	amended	Ch. 739	HB 864
20-25-439	amended	Ch. 658	HB 483
20-25-515	amended	Ch. 399	SB 412
20-25-811	repealed	Ch. 436	HB 317
22-2-103	amended	Ch. 725	HB 786
22-2-302	amended	Ch. 718	HB 757
22-2-310	enacted	Ch. 718	HB 757
22-2-311	enacted	Ch. 718	HB 757
22-3-804	amended	Ch. 330	HB 632
22-3-1002	amended	Ch. 766	SB 116
22-3-1003	amended	Ch. 707	HB 680
22-3-1101	amended	Ch. 17	HB 42
22-3-1306	amended	Ch. 717	HB 756
22-3-1308	enacted	Ch. 442	HB 346
23-2-109	amended	Ch. 208	SB 310
23-2-409	amended	Ch. 565	SB 257

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23-2-502	amended	Ch. 47	HB 99
	amended	Ch. 299	HB 468
23-2-511	amended	Ch. 299	HB 468
23-2-512	amended	Ch. 299	HB 468
23-2-524	amended	Ch. 299	HB 468
23-2-525	amended	Ch. 299	HB 468
23-2-527	amended	Ch. 299	HB 468
23-2-531	amended	Ch. 299	HB 468
23-2-533	amended	Ch. 299	HB 468
23-2-535	amended	Ch. 47	HB 99
	amended	Ch. 264	HB 344
23-2-536	repealed	Ch. 299	HB 468
23-2-636	amended	Ch. 172	SB 165
23-5-112	amended	Ch. 234	HB 141
	amended	Ch. 626	SB 555
23-5-118	amended	Ch. 86	HB 150
23-5-119	amended	Ch. 501	HB 668
23-5-123	amended	Ch. 626	SB 555
23-5-154	amended	Ch. 626	SB 555
23-5-157	amended	Ch. 234	HB 141
23-5-162	amended	Ch. 626	SB 555
23-5-413	amended	Ch. 234	HB 141
25-1-201	amended	Ch. 587	SB 103
25-1-1101	amended	Ch. 53	HB 112
25-1-1111	amended	Ch. 53	HB 112
25-1-1112	amended	Ch. 53	HB 112
25-2-118	amended	Ch. 357	SB 97
25-2-125	amended	Ch. 357	SB 97
25-2-126	amended	Ch. 357	SB 97
25-2-127	enacted	Ch. 357	SB 97
25-2-201	amended	Ch. 357	SB 97
25-9-411	amended	Ch. 34	HB 195
	amended	Ch. 294	HB 458
25-10-711	amended	Ch. 352	SB 38
	amended	Ch. 450	HB 365
	amended	Ch. 542	SB 39
25-10-712	enacted	Ch. 542	SB 39
26-1-109	enacted	Ch. 450	HB 365
26-1-701	amended	Ch. 257	HB 324
26-1-703	amended	Ch. 257	HB 324
26-1-706	amended	Ch. 257	HB 324
26-1-802	amended	Ch. 53	HB 112
27-1-306	amended	Ch. 8	HB 60
27-1-522	enacted	Ch. 315	HB 521
27-1-715	amended	Ch. 568	SB 300
27-1-727	amended	Ch. 720	HB 768
27-1-741	amended	Ch. 156	SB 110
27-1-742	amended	Ch. 156	SB 110
27-1-743	amended	Ch. 156	SB 110
27-1-744	amended	Ch. 156	SB 110
27-1-745	amended	Ch. 156	SB 110
27-1-749	enacted	Ch. 156	SB 110
27-1-760	enacted	Ch. 263	HB 342
27-1-1101	amended	Ch. 53	HB 112

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27-2-202	amended	Ch. 174	SB 143
27-2-204	amended	Ch. 709	HB 682
27-2-205	amended	Ch. 560	SB 218
	amended	Ch. 709	HB 682
27-2-208	amended	Ch. 174	SB 143
27-2-218	enacted	Ch. 193	HB 135
27-2-219 .. enacted (amended — sec. 12, Ch. 709)		Ch. 709	HB 682
27-6-605	amended	Ch. 286	HB 442
27-8-302	amended	Ch. 680	HB 480
27-12-605	amended	Ch. 286	HB 442
27-19-201	amended	Ch. 20	HB 409
27-26-206	amended	Ch. 101	HB 68
27-30-101	amended	Ch. 531	HB 791
27-30-102	repealed	Ch. 531	HB 791
27-30-103	repealed	Ch. 531	HB 791
27-30-104	repealed	Ch. 531	HB 791
27-30-105	repealed	Ch. 531	HB 791
27-30-106	enacted	Ch. 531	HB 791
27-30-107	enacted	Ch. 531	HB 791
27-30-201	repealed	Ch. 531	HB 791
27-30-202	repealed	Ch. 531	HB 791
27-30-203	repealed	Ch. 531	HB 791
27-30-204	amended	Ch. 531	HB 791
27-30-205	enacted	Ch. 531	HB 791
27-30-206	enacted	Ch. 531	HB 791
27-30-207	enacted	Ch. 531	HB 791
27-30-301	repealed	Ch. 531	HB 791
27-30-302	repealed	Ch. 531	HB 791
27-30-303	enacted	Ch. 531	HB 791
27-30-304	enacted	Ch. 531	HB 791
27-30-305	enacted	Ch. 531	HB 791
27-30-306	enacted	Ch. 531	HB 791
27-31-201	amended	Ch. 354	SB 65
27-34-101	enacted	Ch. 250	HB 292
27-34-102	enacted	Ch. 250	HB 292
27-34-103	enacted	Ch. 250	HB 292
27-34-104	enacted	Ch. 250	HB 292
27-34-105	enacted	Ch. 250	HB 292
27-34-106	enacted	Ch. 250	HB 292
27-34-107	enacted	Ch. 250	HB 292
27-34-108	enacted	Ch. 250	HB 292
27-34-109	enacted	Ch. 250	HB 292
27-34-110	enacted	Ch. 250	HB 292
27-34-111	enacted	Ch. 250	HB 292
27-34-112	enacted	Ch. 250	HB 292
28-2-724	amended	Ch. 104	HB 109
	amended	Ch. 131	HB 198
	amended	Ch. 698	HB 620
28-2-903	amended	Ch. 407	SB 482
28-10-103	amended	Ch. 284	HB 435
30-1-101	amended	Ch. 200	SB 426
30-1-107	amended	Ch. 200	SB 426
30-1-201	amended	Ch. 200	SB 426
30-1-212	amended	Ch. 200	SB 426

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30-1-301	amended	Ch. 200	SB 426
30-2-102	amended	Ch. 200	SB 426
30-2-106	amended	Ch. 200	SB 426
30-2-201	amended	Ch. 200	SB 426
30-2-202	amended	Ch. 200	SB 426
30-2-203	amended	Ch. 200	SB 426
30-2-205	amended	Ch. 200	SB 426
30-2-209	amended	Ch. 200	SB 426
30-2A-102	amended	Ch. 200	SB 426
30-2A-103	amended	Ch. 200	SB 426
30-2A-107	amended	Ch. 200	SB 426
30-2A-201	amended	Ch. 200	SB 426
30-2A-202	amended	Ch. 200	SB 426
30-2A-203	amended	Ch. 200	SB 426
30-2A-205	amended	Ch. 200	SB 426
30-2A-208	amended	Ch. 200	SB 426
30-3-102	amended	Ch. 200	SB 426
30-3-104	amended	Ch. 200	SB 426
30-3-125	amended	Ch. 200	SB 426
30-3-401	amended	Ch. 200	SB 426
30-3-605	amended	Ch. 200	SB 426
30-4A-103	amended	Ch. 200	SB 426
30-4A-105	amended	Ch. 200	SB 426
30-4A-201	amended	Ch. 200	SB 426
30-4A-202	amended	Ch. 200	SB 426
30-4A-203	amended	Ch. 200	SB 426
30-4A-207	amended	Ch. 200	SB 426
30-4A-208	amended	Ch. 200	SB 426
30-4A-210	amended	Ch. 200	SB 426
30-4A-211	amended	Ch. 200	SB 426
30-4A-305	amended	Ch. 200	SB 426
30-5-124	amended	Ch. 200	SB 426
30-5-136	amended	Ch. 200	SB 426
30-7-102	amended	Ch. 200	SB 426
30-7-107	amended	Ch. 200	SB 426
30-8-112	amended	Ch. 200	SB 426
30-8-113	amended	Ch. 200	SB 426
30-8-116	amended	Ch. 200	SB 426
30-8-120	amended	Ch. 200	SB 426
30-8-333	amended	Ch. 200	SB 426
30-9A-102	amended	Ch. 200	SB 426
30-9A-104	amended	Ch. 200	SB 426
30-9A-105	amended	Ch. 200	SB 426
30-9A-107A	enacted	Ch. 200	SB 426
30-9A-107B	enacted	Ch. 200	SB 426
30-9A-203	amended	Ch. 200	SB 426
30-9A-204	amended	Ch. 200	SB 426
30-9A-207	amended	Ch. 200	SB 426
30-9A-208	amended	Ch. 200	SB 426
30-9A-209	amended	Ch. 200	SB 426
30-9A-210	amended	Ch. 200	SB 426
30-9A-301	amended	Ch. 200	SB 426
30-9A-304	amended	Ch. 200	SB 426
30-9A-305	amended	Ch. 200	SB 426

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30-9A-306A	enacted	Ch. 200	SB 426
30-9A-306B	enacted	Ch. 200	SB 426
30-9A-310	amended	Ch. 200	SB 426
30-9A-312	amended	Ch. 200	SB 426
30-9A-313	amended	Ch. 200	SB 426
30-9A-314	amended	Ch. 200	SB 426
30-9A-314A	enacted	Ch. 200	SB 426
30-9A-316	amended	Ch. 200	SB 426
30-9A-317	amended	Ch. 200	SB 426
30-9A-323	amended	Ch. 200	SB 426
30-9A-324	amended	Ch. 200	SB 426
30-9A-326A	enacted	Ch. 200	SB 426
30-9A-330	amended	Ch. 200	SB 426
30-9A-331	amended	Ch. 200	SB 426
30-9A-332	amended	Ch. 200	SB 426
30-9A-334	amended	Ch. 200	SB 426
30-9A-341	amended	Ch. 200	SB 426
30-9A-404	amended	Ch. 200	SB 426
30-9A-406	amended	Ch. 200	SB 426
30-9A-408	amended	Ch. 200	SB 426
30-9A-509	amended	Ch. 200	SB 426
30-9A-513	amended	Ch. 200	SB 426
30-9A-601	amended	Ch. 200	SB 426
30-9A-605	amended	Ch. 200	SB 426
30-9A-608	amended	Ch. 200	SB 426
30-9A-611	amended	Ch. 200	SB 426
30-9A-613	amended	Ch. 200	SB 426
30-9A-614	amended	Ch. 200	SB 426
30-9A-615	amended	Ch. 200	SB 426
30-9A-616	amended	Ch. 200	SB 426
30-9A-619	amended	Ch. 200	SB 426
30-9A-620	amended	Ch. 200	SB 426
30-9A-621	amended	Ch. 200	SB 426
30-9A-624	amended	Ch. 200	SB 426
30-9A-628	amended	Ch. 200	SB 426
30-9A-901	enacted	Ch. 200	SB 426
30-9A-902	enacted	Ch. 200	SB 426
30-9A-903	enacted	Ch. 200	SB 426
30-9A-904	enacted	Ch. 200	SB 426
30-9A-905	enacted	Ch. 200	SB 426
30-9A-906	enacted	Ch. 200	SB 426
30-10-104	amended	Ch. 8	HB 60
30-10-105	amended	Ch. 379	SB 265
30-10-201	amended	Ch. 8	HB 60
30-10-209	amended	Ch. 639	HB 137
30-10-307	amended	Ch. 8	HB 60
30-10-1005	amended	Ch. 8	HB 60
30-11-701	amended	Ch. 47	HB 99
30-12-301	amended	Ch. 344	SB 161
30-12A-101	enacted	Ch. 200	SB 426
30-12A-102	enacted	Ch. 200	SB 426
30-12A-103	enacted	Ch. 200	SB 426
30-12A-104	enacted	Ch. 200	SB 426
30-12A-105	enacted	Ch. 200	SB 426

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30-12A-106	enacted	Ch. 200	SB 426
30-12A-107	enacted	Ch. 200	SB 426
30-12A-201	enacted	Ch. 200	SB 426
30-12A-202	enacted	Ch. 200	SB 426
30-12A-203	enacted	Ch. 200	SB 426
30-12A-204	enacted	Ch. 200	SB 426
30-12A-205	enacted	Ch. 200	SB 426
30-12A-206	enacted	Ch. 200	SB 426
30-12A-207	enacted	Ch. 200	SB 426
30-12A-208	enacted	Ch. 200	SB 426
30-12A-209	enacted	Ch. 200	SB 426
30-14-102	amended	Ch. 231	HB 123
	amended	Ch. 625	SB 553
30-14-104	amended	Ch. 199	SB 488
30-14-109	enacted	Ch. 625	SB 553
30-14-111	amended	Ch. 199	SB 488
30-14-133	amended	Ch. 199	SB 488
30-14-135	enacted	Ch. 567	SB 297
30-14-159	amended	Ch. 199	SB 488
30-14-165	enacted	Ch. 719	HB 760
30-14-166	enacted	Ch. 719	HB 760
30-14-231	enacted	Ch. 567	SB 297
30-14-1714	enacted	Ch. 685	HB 513
30-14-2501	amended	Ch. 47	HB 99
30-14-2802	amended	Ch. 567	SB 297
30-14-2803	amended	Ch. 567	SB 297
30-14-2804	amended	Ch. 567	SB 297
30-14-2808	amended	Ch. 567	SB 297
30-14-2811	enacted	Ch. 567	SB 297
30-14-2812	amended	Ch. 567	SB 297
30-14-2816	amended	Ch. 567	SB 297
30-14-2817	amended	Ch. 567	SB 297
30-14-2818	enacted	Ch. 567	SB 297
30-14-2819	enacted	Ch. 567	SB 297
30-14-2820	enacted	Ch. 567	SB 297
30-14-2901	enacted	Ch. 573	SB 364
30-14-2902	enacted	Ch. 573	SB 364
30-14-2903	enacted	Ch. 573	SB 364
30-20-207	enacted	Ch. 675	HB 329
30-20-208	enacted	Ch. 675	HB 329
30-23-101	amended	Ch. 345	SB 163
30-23-102	amended	Ch. 345	SB 163
30-23-103	amended	Ch. 345	SB 163
30-23-104	amended	Ch. 345	SB 163
30-23-105	amended	Ch. 345	SB 163
30-24-101	enacted	Ch. 379	SB 265
30-24-102	enacted	Ch. 379	SB 265
30-24-103	enacted	Ch. 379	SB 265
30-24-104	enacted	Ch. 379	SB 265
30-24-105	enacted	Ch. 379	SB 265
30-24-106	enacted	Ch. 379	SB 265
30-24-107	enacted	Ch. 379	SB 265
30-24-108	enacted	Ch. 379	SB 265
30-24-109	enacted	Ch. 379	SB 265

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30-25-201	enacted	Ch. 525	HB 752
30-25-202	enacted	Ch. 525	HB 752
30-25-203	enacted	Ch. 525	HB 752
30-25-204	enacted	Ch. 525	HB 752
30-25-301	enacted	Ch. 650	HB 392
30-25-302	enacted	Ch. 650	HB 392
30-25-303	enacted	Ch. 650	HB 392
30-25-304	enacted	Ch. 650	HB 392
30-25-305	enacted	Ch. 650	HB 392
30-25-306	enacted	Ch. 650	HB 392
30-25-307	enacted	Ch. 650	HB 392
31-4-102	amended	Ch. 413	SB 511
31-4-104	amended	Ch. 413	SB 511
31-4-108	amended	Ch. 413	SB 511
31-4-118	amended	Ch. 413	SB 511
31-4-120	amended	Ch. 413	SB 511
31-4-201	enacted	Ch. 413	SB 511
31-4-202	enacted	Ch. 413	SB 511
31-4-203	enacted	Ch. 413	SB 511
31-4-204	enacted	Ch. 413	SB 511
31-4-205	enacted	Ch. 413	SB 511
31-4-206	enacted	Ch. 413	SB 511
32-1-109	amended	Ch. 120	HB 434
32-6-103	amended	Ch. 120	HB 434
33-1-102	amended	Ch. 621	SB 535
33-1-111	amended	Ch. 138	SB 361
33-1-501	amended	Ch. 8	HB 60
33-2-301	amended	Ch. 8	HB 60
33-2-306	amended	Ch. 8	HB 60
33-2-325	enacted	Ch. 8	HB 60
33-2-2005	amended	Ch. 474	HB 740
33-3-201	amended	Ch. 8	HB 60
33-15-206	amended	Ch. 296	HB 464
33-15-1108	amended	Ch. 105	HB 136
33-16-117	enacted	Ch. 485	HB 533
33-16-203	amended	Ch. 105	HB 136
33-17-237	amended	Ch. 8	HB 60
33-17-243	amended	Ch. 8	HB 60
33-17-1402	amended	Ch. 8	HB 60
33-17-1601	amended	Ch. 473	HB 726
33-17-1602	amended	Ch. 473	HB 726
33-18-104	enacted	Ch. 229	HB 114
33-18-201	amended	Ch. 229	HB 114
33-18-202	amended	Ch. 229	HB 114
33-18-203	amended	Ch. 229	HB 114
33-18-208	amended	Ch. 600	SB 335
33-18-210	amended	Ch. 105	HB 136
33-18-250	enacted	Ch. 229	HB 114
33-18-501	amended	Ch. 229	HB 114
33-18-1001	amended	Ch. 229	HB 114
33-19-105	amended	Ch. 8	HB 60
33-19-309	enacted	Ch. 694	HB 590
33-20-1302	amended	Ch. 8	HB 60
33-22-128	amended	Ch. 237	HB 184

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33-22-132	amended	Ch. 8	HB 60
33-22-138	amended	Ch. 8	HB 60
33-22-149	enacted	Ch. 709	HB 682
33-22-150	amended	Ch. 8	HB 60
33-22-170	amended	Ch. 474	HB 740
33-22-171	amended	Ch. 474	HB 740
33-22-172	amended	Ch. 474	HB 740
33-22-175	amended	Ch. 474	HB 740
33-22-177	amended	Ch. 474	HB 740
33-22-206	amended	Ch. 8	HB 60
33-22-208	amended	Ch. 8	HB 60
33-22-244	amended	Ch. 8	HB 60
33-22-521	amended	Ch. 8	HB 60
33-22-906	amended	Ch. 8	HB 60
33-22-907	amended	Ch. 8	HB 60
33-22-921	amended	Ch. 8	HB 60
33-22-922	amended	Ch. 8	HB 60
33-22-923	amended	Ch. 8	HB 60
33-22-924	amended	Ch. 8	HB 60
33-22-1321	amended	Ch. 645	HB 281
33-22-2104	renumbered 53-6-2210	Ch. 8	HB 60
	amended	Ch. 440	HB 341
33-22-2201	enacted	Ch. 600	SB 335
33-22-2202	enacted	Ch. 600	SB 335
33-22-2203	enacted	Ch. 600	SB 335
33-22-2204	enacted	Ch. 600	SB 335
33-22-2205	enacted	Ch. 600	SB 335
33-24-110	enacted	Ch. 105	HB 136
33-24-401	enacted	Ch. 40	HB 78
33-24-402	enacted	Ch. 40	HB 78
33-24-403	enacted	Ch. 40	HB 78
33-24-404	enacted	Ch. 40	HB 78
33-24-405	enacted	Ch. 40	HB 78
33-24-406	enacted	Ch. 40	HB 78
33-24-407	enacted	Ch. 40	HB 78
33-24-408	enacted	Ch. 40	HB 78
33-24-409	enacted	Ch. 40	HB 78
33-26-109	enacted	Ch. 473	HB 726
33-28-201	amended	Ch. 548	SB 60
33-31-111	amended	Ch. 709	HB 682
33-32-102	amended (replaced — sec. 4, Ch. 612)	Ch. 274	HB 398
	amended (replaced — sec. 4, Ch. 612)	Ch. 612	SB 447
33-32-107	amended	Ch. 274	HB 398
	amended (void — sec. 5(1), Ch. 612)	Ch. 612	SB 447
33-32-108	enacted	Ch. 319	HB 544
33-32-109	enacted	Ch. 319	HB 544
33-32-209	enacted	Ch. 274	HB 398
33-32-210	enacted	Ch. 274	HB 398
33-32-211	amended	Ch. 8	HB 60
33-32-221	amended	Ch. 121	HB 399
	amended	Ch. 571	SB 317
	amended	Ch. 611	SB 446
	amended (void — sec. 5(2), Ch. 612)	Ch. 612	SB 447

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33-32-222	enacted	Ch. 577	SB 449
33-32-223	enacted	Ch. 577	SB 449
33-35-306	amended	Ch. 8	HB 60
	amended	Ch. 709	HB 682
33-36-103	amended	Ch. 414	SB 516
35-8-109	amended	Ch. 749	HB 898
35-8-307	amended	Ch. 749	HB 898
35-8-915	enacted	Ch. 749	HB 898
35-8-1205	amended	Ch. 295	HB 463
35-8-1215	enacted	Ch. 295	HB 463
35-8-1216	enacted	Ch. 295	HB 463
35-8-1401	enacted	Ch. 317	HB 530
35-8-1402	enacted	Ch. 317	HB 530
35-8-1403	enacted	Ch. 317	HB 530
35-8-1404	enacted	Ch. 317	HB 530
35-8-1405	enacted	Ch. 317	HB 530
35-8-1406	enacted	Ch. 317	HB 530
35-8-1407	enacted	Ch. 317	HB 530
35-8-1408	enacted	Ch. 317	HB 530
35-8-1409	enacted	Ch. 317	HB 530
35-15-104	enacted	Ch. 169	SB 200
35-17-103	amended	Ch. 169	SB 200
35-17-104	amended	Ch. 169	SB 200
35-17-202	amended	Ch. 169	SB 200
37-1-101	amended	Ch. 183	HB 261
37-1-105	repealed	Ch. 284	HB 435
37-1-106	amended	Ch. 118	HB 335
37-1-107	amended	Ch. 460	HB 562
37-1-122	amended	Ch. 695	HB 592
37-1-125	enacted	Ch. 129	HB 227
37-1-131	amended	Ch. 279	HB 414
	amended	Ch. 741	HB 867
37-1-136	amended	Ch. 252	HB 296
37-1-143	enacted	Ch. 247	HB 276
37-1-144	enacted	Ch. 279	HB 414
37-1-148	enacted	Ch. 262	HB 336
37-1-149	enacted	Ch. 490	HB 563
37-1-150	enacted	Ch. 284	HB 435
37-1-302	amended	Ch. 76	HB 246
37-1-304	amended	Ch. 76	HB 246
37-1-305	repealed	Ch. 279	HB 414
37-1-307	amended	Ch. 279	HB 414
37-1-309	amended	Ch. 247	HB 276
37-1-312	amended	Ch. 284	HB 435
37-1-314	amended	Ch. 284	HB 435
37-1-316	amended	Ch. 284	HB 435
37-1-319	amended	Ch. 279	HB 414
37-1-321	amended	Ch. 284	HB 435
37-1-322	enacted	Ch. 128	HB 238
	enacted	Ch. 279	HB 414
37-1-401	amended	Ch. 415	SB 518
	amended	Ch. 481	HB 225
	amended	Ch. 597	SB 319
	amended	Ch. 644	HB 239

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37-1-403	amended	Ch. 247	HB 276
37-1-406	amended	Ch. 284	HB 435
37-1-408	amended	Ch. 284	HB 435
37-1-410	amended	Ch. 284	HB 435
37-1-411	repealed	Ch. 252	HB 296
37-1-412	repealed	Ch. 252	HB 296
37-1-414	enacted	Ch. 128	HB 238
37-2-104	amended	Ch. 137	SB 456
37-2-202	amended	Ch. 741	HB 867
37-2-203	enacted	Ch. 615	SB 497
37-2-316	amended	Ch. 741	HB 867
37-2-701	enacted	Ch. 284	HB 435
37-2-702	formerly 37-3-402	Ch. 284	HB 435
37-2-703	formerly 37-3-403	Ch. 284	HB 435
37-2-704	formerly 37-3-404	Ch. 284	HB 435
37-2-705	formerly 37-3-405	Ch. 284	HB 435
37-3-102	amended	Ch. 139	SB 347
	amended	Ch. 415	SB 518
37-3-103	amended	Ch. 139	SB 347
37-3-104	amended	Ch. 284	HB 435
37-3-201	amended	Ch. 279	HB 414
	repealed	Ch. 372	SB 227
37-3-203	amended	Ch. 415	SB 518
37-3-301	amended	Ch. 372	SB 227
37-3-305	amended	Ch. 139	SB 347
37-3-310	repealed	Ch. 247	HB 276
37-3-323	amended	Ch. 128	HB 238
37-3-324	repealed	Ch. 284	HB 435
37-3-401	repealed	Ch. 284	HB 435
	amended	Ch. 615	SB 497
37-3-402	renumbered 37-2-702	Ch. 284	HB 435
	repealed	Ch. 286	HB 442
37-3-403	renumbered 37-2-703	Ch. 284	HB 435
37-3-404	amended and renumbered 37-2-704	Ch. 284	HB 435
	amended	Ch. 286	HB 442
37-3-405	amended and renumbered 37-2-705	Ch. 284	HB 435
	amended	Ch. 286	HB 442
37-4-101	amended	Ch. 691	HB 584
37-4-201	amended	Ch. 279	HB 414
	repealed	Ch. 372	SB 227
37-4-307	amended	Ch. 247	HB 276
37-4-308	enacted	Ch. 691	HB 584
37-4-312	repealed	Ch. 284	HB 435
	amended	Ch. 615	SB 497
37-4-313	amended	Ch. 284	HB 435
37-4-314	repealed	Ch. 284	HB 435
37-4-341	repealed	Ch. 279	HB 414
37-4-405	amended	Ch. 77	HB 321
37-4-406	amended	Ch. 247	HB 276
37-6-311	amended	Ch. 128	HB 238
37-7-101	amended	Ch. 726	HB 794
37-7-105	amended	Ch. 726	HB 794
37-7-201	amended	Ch. 726	HB 794
37-7-301	amended	Ch. 726	HB 794

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37-7-306	amended	Ch. 726	HB 794
37-7-307	repealed	Ch. 726	HB 794
37-7-308	repealed	Ch. 726	HB 794
37-7-309	repealed	Ch. 726	HB 794
37-7-502	amended	Ch. 726	HB 794
37-7-505	amended	Ch. 726	HB 794
37-7-506	repealed	Ch. 726	HB 794
37-7-601	amended	Ch. 726	HB 794
37-7-602	amended	Ch. 726	HB 794
37-7-603	amended	Ch. 726	HB 794
37-7-604	amended	Ch. 726	HB 794
37-7-701	amended	Ch. 726	HB 794
37-7-702	amended	Ch. 726	HB 794
37-7-703	amended	Ch. 726	HB 794
37-7-704	amended	Ch. 726	HB 794
37-7-705	amended	Ch. 726	HB 794
37-7-706	amended	Ch. 726	HB 794
37-8-201	repealed	Ch. 372	SB 227
37-8-409	amended	Ch. 279	HB 414
37-8-421	amended	Ch. 279	HB 414
37-10-101	amended	Ch. 130	HB 218
37-10-202	amended	Ch. 372	SB 227
37-10-301	amended	Ch. 252	HB 296
37-10-302	amended	Ch. 130	HB 218
37-11-101	amended	Ch. 285	HB 438
37-11-105	amended	Ch. 292	HB 454
37-11-201	repealed	Ch. 285	HB 438
37-11-203	repealed	Ch. 285	HB 438
37-11-301	amended	Ch. 252	HB 296
37-11-307	repealed	Ch. 285	HB 438
37-11-310	amended	Ch. 279	HB 414
37-11-320	repealed	Ch. 284	HB 435
37-12-201	amended	Ch. 741	HB 867
37-12-322	amended	Ch. 128	HB 238
37-12-323	repealed	Ch. 284	HB 435
37-13-201	amended	Ch. 372	SB 227
37-13-304	amended	Ch. 372	SB 227
37-14-101	repealed	Ch. 310	HB 502
37-14-102	amended	Ch. 279	HB 414
	amended	Ch. 310	HB 502
37-14-201	repealed	Ch. 310	HB 502
37-14-202	repealed	Ch. 310	HB 502
37-14-301	amended	Ch. 279	HB 414
37-14-305	amended	Ch. 279	HB 414
	amended	Ch. 310	HB 502
37-14-306	amended	Ch. 279	HB 414
37-14-307	amended	Ch. 279	HB 414
	repealed	Ch. 310	HB 502
37-14-308	repealed	Ch. 310	HB 502
37-14-311	repealed	Ch. 310	HB 502
37-14-322	amended	Ch. 310	HB 502
37-15-102	amended	Ch. 285	HB 438
37-15-103	amended	Ch. 279	HB 414
37-15-201	repealed	Ch. 285	HB 438

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37-15-202	repealed	Ch. 285	HB 438
	amended	Ch. 372	SB 227
37-15-203	repealed	Ch. 285	HB 438
37-15-301	amended	Ch. 524	HB 744
37-15-303	amended	Ch. 451	HB 384
37-16-102	amended	Ch. 237	HB 184
37-16-301	amended	Ch. 247	HB 276
37-17-201	repealed	Ch. 372	SB 227
37-17-202	amended	Ch. 127	HB 241
37-17-302	amended	Ch. 279	HB 414
37-17-314	repealed	Ch. 284	HB 435
37-17-501	enacted	Ch. 127	HB 241
37-18-204	enacted	Ch. 741	HB 867
37-18-305	amended	Ch. 372	SB 227
37-18-603	amended	Ch. 279	HB 414
37-18-806	amended	Ch. 247	HB 276
37-19-402	amended	Ch. 279	HB 414
37-19-703	amended	Ch. 279	HB 414
37-19-828	amended	Ch. 211	SB 305
37-20-402	amended	Ch. 74	HB 183
37-20-501	enacted	Ch. 74	HB 183
37-23-104	renumbered 37-39-401	Ch. 104	HB 109
37-24-102	repealed	Ch. 285	HB 438
37-24-103	amended	Ch. 285	HB 438
37-24-201	repealed	Ch. 285	HB 438
37-24-202	repealed	Ch. 285	HB 438
	amended	Ch. 372	SB 227
37-24-203	repealed	Ch. 285	HB 438
37-24-310	repealed	Ch. 285	HB 438
37-25-101	amended	Ch. 536	HB 806
37-25-102	amended	Ch. 536	HB 806
37-25-201	amended	Ch. 536	HB 806
37-25-301	repealed	Ch. 536	HB 806
37-25-302	repealed	Ch. 536	HB 806
37-25-303	amended	Ch. 536	HB 806
37-25-304	amended	Ch. 536	HB 806
37-25-305	amended	Ch. 536	HB 806
37-25-309	enacted	Ch. 536	HB 806
37-25-310	enacted	Ch. 536	HB 806
37-25-311	enacted	Ch. 536	HB 806
37-25-313	enacted	Ch. 142	SB 279
37-25-401	enacted	Ch. 142	SB 279
37-26-201	amended	Ch. 76	HB 246
37-26-301	amended	Ch. 139	SB 347
37-26-401	amended	Ch. 252	HB 296
37-27-105	amended	Ch. 279	HB 414
37-27-201	amended	Ch. 279	HB 414
37-27-203	amended	Ch. 279	HB 414
37-27-205	repealed	Ch. 279	HB 414
37-28-101	repealed	Ch. 310	HB 502
37-28-102	amended	Ch. 310	HB 502
37-28-103	repealed	Ch. 310	HB 502
	repealed	Ch. 372	SB 227
37-28-104	amended	Ch. 279	HB 414
	repealed	Ch. 310	HB 502
37-28-202	amended	Ch. 310	HB 502

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37-28-204	enacted	Ch. 288	HB 447
37-28-305	repealed	Ch. 310	HB 502
37-28-401	enacted	Ch. 288	HB 447
37-31-201	repealed	Ch. 372	SB 227
37-31-302	amended	Ch. 279	HB 414
37-31-305	amended	Ch. 279	HB 414
37-31-312	amended	Ch. 279	HB 414
37-33-405	amended	Ch. 76	HB 246
37-33-505	enacted	Ch. 149	SB 233
37-33-601	enacted	Ch. 149	SB 233
37-34-102	repealed	Ch. 310	HB 502
37-34-103	amended	Ch. 310	HB 502
37-34-201	repealed	Ch. 310	HB 502
37-34-305	amended	Ch. 310	HB 502
37-36-101	amended	Ch. 285	HB 438
37-36-102	repealed	Ch. 285	HB 438
37-36-201	amended	Ch. 279	HB 414
	amended	Ch. 285	HB 438
37-36-202	repealed	Ch. 285	HB 438
37-39-101	amended	Ch. 668	HB 76
37-39-102	amended	Ch. 668	HB 76
37-39-203	repealed	Ch. 76	HB 246
37-39-303	amended	Ch. 668	HB 76
37-39-312	amended	Ch. 668	HB 76
37-39-401	formerly 37-23-104	Ch. 104	HB 109
37-40-203	amended	Ch. 279	HB 414
37-40-302	amended	Ch. 279	HB 414
37-43-301	amended	Ch. 633	HB 59
37-43-302	amended	Ch. 633	HB 59
37-43-306	amended	Ch. 633	HB 59
37-43-309	amended	Ch. 633	HB 59
37-45-101	enacted	Ch. 644	HB 239
37-45-102	enacted	Ch. 644	HB 239
37-45-103	enacted	Ch. 644	HB 239
37-45-104	formerly 39-9-211	Ch. 644	HB 239
37-45-201	enacted	Ch. 644	HB 239
37-45-202	enacted	Ch. 644	HB 239
37-45-203	enacted	Ch. 644	HB 239
37-45-204	formerly 39-9-304	Ch. 644	HB 239
37-45-205	formerly 39-9-205	Ch. 644	HB 239
37-45-301	enacted	Ch. 644	HB 239
37-45-302	enacted	Ch. 644	HB 239
37-46-101	enacted	Ch. 310	HB 502
37-46-102	enacted	Ch. 310	HB 502
37-46-103	enacted	Ch. 310	HB 502
37-47-303	amended	Ch. 559	SB 183
37-49-202	amended	Ch. 279	HB 414
37-50-201	amended	Ch. 372	SB 227
37-50-203	amended	Ch. 76	HB 246
37-50-305	amended	Ch. 346	SB 166
37-51-201	amended	Ch. 372	SB 227
37-51-324	amended	Ch. 279	HB 414
37-54-102	amended	Ch. 743	HB 872
37-54-201	amended	Ch. 252	HB 296
	amended	Ch. 743	HB 872
37-54-212	amended	Ch. 279	HB 414

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37-54-503	amended	Ch. 119	HB 426
37-55-101	enacted	Ch. 481	HB 225
37-55-102	enacted	Ch. 481	HB 225
37-55-103	enacted	Ch. 481	HB 225
37-55-104	enacted	Ch. 481	HB 225
37-56-104	amended	Ch. 403	SB 442
37-56-106	amended	Ch. 279	HB 414
37-56-109	enacted	Ch. 254	HB 311
37-60-101	amended	Ch. 170	SB 198
37-60-303	amended	Ch. 279	HB 414
37-61-102	amended	Ch. 365	SB 193
37-61-403	amended	Ch. 99	HB 46
37-65-310	repealed	Ch. 76	HB 246
37-66-303	amended	Ch. 372	SB 227
37-67-201	repealed	Ch. 372	SB 227
37-68-201	amended	Ch. 372	SB 227
37-68-305	amended	Ch. 454	HB 497
37-68-311	amended	Ch. 279	HB 414
37-68-315	amended	Ch. 429	HB 206
37-69-306	amended	Ch. 279	HB 414
37-73-203	amended	Ch. 279	HB 414
37-73-204	amended	Ch. 76	HB 246
37-73-208	repealed	Ch. 279	HB 414
37-73-216	repealed	Ch. 279	HB 414
37-77-101	enacted	Ch. 597	SB 319
37-77-102	enacted	Ch. 597	SB 319
37-77-103	enacted	Ch. 597	SB 319
37-77-104	enacted	Ch. 597	SB 319
37-78-101	enacted	Ch. 285	HB 438
37-78-102	enacted	Ch. 285	HB 438
37-78-201	enacted	Ch. 285	HB 438
39-2-105	enacted	Ch. 705	HB 667
39-2-308	enacted	Ch. 135	HB 128
39-2-1601	enacted	Ch. 242	HB 226
39-2-1602	enacted	Ch. 242	HB 226
39-2-1603	enacted	Ch. 242	HB 226
39-2-1604	enacted	Ch. 242	HB 226
39-2-1605	enacted	Ch. 242	HB 226
39-2-1606	enacted	Ch. 242	HB 226
39-2-1607	enacted	Ch. 242	HB 226
39-2-1608	enacted	Ch. 242	HB 226
39-6-101	amended	Ch. 516	HB 721
39-6-103	amended	Ch. 516	HB 721
39-6-106	amended	Ch. 516	HB 721
39-6-107	amended	Ch. 516	HB 721
39-8-202	amended	Ch. 125	HB 254
39-9-101	amended (void — sec. 14(1), Ch. 481)	Ch. 481	HB 225
	repealed	Ch. 481	HB 225
	amended	Ch. 644	HB 239
39-9-102	amended (void — sec. 14(2), Ch. 481)	Ch. 481	HB 225
	repealed	Ch. 481	HB 225
	amended	Ch. 644	HB 239
39-9-103	repealed	Ch. 481	HB 225
39-9-201	repealed	Ch. 644	HB 239

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39-9-204	repealed	Ch. 644	HB 239
39-9-205	renumbered 37-45-205	Ch. 644	HB 239
39-9-206	...amended (void — sec. 14(3), Ch. 481)	Ch. 481	HB 225
	repealed	Ch. 481	HB 225
	amended	Ch. 644	HB 239
39-9-207	...amended (void — sec. 14(4), Ch. 481)	Ch. 481	HB 225
	repealed	Ch. 481	HB 225
	amended	Ch. 644	HB 239
39-9-211	renumbered 37-45-104	Ch. 644	HB 239
39-9-212	repealed	Ch. 481	HB 225
39-9-213	repealed	Ch. 481	HB 225
39-9-301	...amended (void — sec. 14(5), Ch. 481)	Ch. 481	HB 225
	repealed	Ch. 481	HB 225
	amended	Ch. 644	HB 239
39-9-303	...amended (void — sec. 14(6), Ch. 481)	Ch. 481	HB 225
	repealed	Ch. 481	HB 225
	amended	Ch. 644	HB 239
39-9-304	renumbered 37-45-204	Ch. 644	HB 239
39-9-401	repealed	Ch. 481	HB 225
39-11-206	enacted	Ch. 442	HB 346
39-11-404	amended	Ch. 751	HB 908
39-11-501	enacted	Ch. 514	HB 718
39-12-103	amended	Ch. 35	HB 245
39-51-405	repealed	Ch. 25	HB 54
39-51-406	amended	Ch. 25	HB 54
39-51-409	amended	Ch. 337	HB 656
39-51-702	amended	Ch. 90	HB 210
39-51-703	repealed	Ch. 90	HB 210
39-51-706	amended	Ch. 90	HB 210
	amended	Ch. 460	HB 562
39-51-1218	amended	Ch. 90	HB 210
39-51-3201	amended	Ch. 90	HB 210
39-51-3202	amended	Ch. 90	HB 210
39-71-116	amended	Ch. 133	HB 143
	amended	Ch. 157	SB 109
39-71-117	amended	Ch. 282	HB 428
39-71-118	amended	Ch. 415	SB 518
39-71-201	amended	Ch. 282	HB 428
	amended	Ch. 688	HB 516
39-71-306	amended	Ch. 282	HB 428
39-71-401	amended	Ch. 644	HB 239
39-71-407	amended	Ch. 266	HB 367
39-71-609	amended	Ch. 112	HB 197
39-71-711	amended	Ch. 133	HB 143
39-71-727	amended	Ch. 726	HB 794
39-71-742	amended	Ch. 140	SB 338
39-71-1036	amended	Ch. 282	HB 428
39-71-2901	renumbered 3-9-103	Ch. 688	HB 516
39-71-2902	renumbered 3-9-104	Ch. 688	HB 516
39-71-2903	renumbered 3-9-106	Ch. 688	HB 516
39-71-2904	renumbered 3-9-107	Ch. 688	HB 516
39-71-2905	amended	Ch. 140	SB 338
	renumbered 3-9-111	Ch. 688	HB 516
39-71-2907	renumbered 3-9-112	Ch. 688	HB 516

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39-71-2909	renumbered 3-9-113	Ch. 688	HB 516
39-71-2910	renumbered 3-9-116	Ch. 688	HB 516
39-71-2911	renumbered 3-9-117	Ch. 688	HB 516
39-71-2914	renumbered 3-9-120	Ch. 688	HB 516
40-5-209	amended	Ch. 265	HB 352
40-6-408	enacted	Ch. 304	HB 476
40-6-701	amended	Ch. 6	HB 32
	amended	Ch. 696	HB 599
41-1-601	enacted	Ch. 579	SB 466
41-3-101	amended	Ch. 340	HB 694
41-3-102	amended	Ch. 58	SB 18
	amended	Ch. 153	SB 206
	amended	Ch. 575	SB 402
	amended	Ch. 578	SB 464
	amended	Ch. 714	HB 690
41-3-108	amended	Ch. 153	SB 206
41-3-112	amended	Ch. 578	SB 464
41-3-126	enacted	Ch. 153	SB 206
41-3-127	amended	Ch. 153	SB 206
41-3-128	amended	Ch. 153	SB 206
41-3-129	amended	Ch. 153	SB 206
41-3-130	amended	Ch. 153	SB 206
41-3-201	amended	Ch. 153	SB 206
41-3-202	amended	Ch. 153	SB 206
41-3-205	amended	Ch. 144	SB 256
	amended	Ch. 147	SB 248
	amended	Ch. 153	SB 206
	amended	Ch. 714	HB 690
41-3-210	amended	Ch. 327	HB 625
	amended	Ch. 584	SB 69
41-3-211	amended	Ch. 584	SB 69
41-3-212	amended	Ch. 584	SB 69
41-3-216	amended	Ch. 153	SB 206
41-3-301	amended	Ch. 57	SB 17
	amended	Ch. 63	SB 73
	amended	Ch. 153	SB 206
41-3-307	amended	Ch. 57	SB 17
	amended	Ch. 63	SB 73
	amended	Ch. 153	SB 206
41-3-422	amended	Ch. 79	HB 77
41-3-425	amended	Ch. 578	SB 464
41-3-427	amended	Ch. 79	HB 77
	amended	Ch. 153	SB 206
41-3-431	amended	Ch. 144	SB 256
41-3-432	amended	Ch. 57	SB 17
	amended	Ch. 79	HB 77
41-3-433	repealed	Ch. 79	HB 77
41-3-437	amended	Ch. 146	SB 249
41-3-445	amended	Ch. 153	SB 206
41-3-450	amended	Ch. 340	HB 694
41-3-901	enacted	Ch. 613	SB 468
41-3-902	enacted	Ch. 613	SB 468
41-3-1220	enacted	Ch. 145	SB 251
41-5-103	amended	Ch. 192	HB 173

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41-5-206	amended	Ch. 438	HB 332
41-5-208	amended	Ch. 438	HB 332
41-5-1302	amended	Ch. 438	HB 332
41-5-1501	amended	Ch. 438	HB 332
41-5-1605	amended	Ch. 438	HB 332
42-7-201	enacted	Ch. 336	HB 655
42-7-202	enacted	Ch. 336	HB 655
42-7-203	enacted	Ch. 336	HB 655
42-7-204	enacted	Ch. 336	HB 655
44-1-1003	amended	Ch. 18	HB 181
44-2-115	amended	Ch. 48	HB 104
44-2-410	enacted (replaced — sec. 5, Ch. 659)	Ch. 3	HB 83
44-2-411	amended	Ch. 659	HB 545
44-2-412	amended	Ch. 659	HB 545
44-3-311	enacted	Ch. 212	SB 288
44-4-402	amended	Ch. 533	HB 793
44-4-404	amended	Ch. 30	HB 75
44-4-1505	amended	Ch. 605	SB 409
44-4-1506	amended	Ch. 605	SB 409
44-6-104	amended	Ch. 345	SB 163
44-7-126	amended	Ch. 669	HB 117
44-7-201	amended	Ch. 141	SB 280
44-15-103	amended	Ch. 226	HB 267
	amended	Ch. 484	HB 532
45-2-101	amended	Ch. 583	SB 19
45-5-106	amended	Ch. 509	HB 712
45-5-107	enacted	Ch. 226	HB 267
45-5-206	amended	Ch. 463	HB 578
45-5-502	amended	Ch. 602	SB 348
45-5-503	amended	Ch. 463	HB 578
45-5-504	amended	Ch. 102	HB 82
	amended	Ch. 657	HB 446
45-5-507	amended	Ch. 463	HB 578
45-5-601	amended	Ch. 102	HB 82
45-5-622	amended	Ch. 110	HB 191
	amended	Ch. 143	SB 261
45-5-623	amended	Ch. 100	HB 49
45-5-624	amended	Ch. 155	SB 132
45-5-625	amended	Ch. 102	HB 82
45-5-627	amended	Ch. 463	HB 578
45-5-629	enacted	Ch. 102	HB 82
45-5-638	enacted	Ch. 155	SB 132
45-5-639	enacted	Ch. 155	SB 132
45-5-640	enacted	Ch. 606	SB 413
45-5-711	amended	Ch. 102	HB 82
45-5-801	enacted	Ch. 484	HB 532
45-5-802	enacted	Ch. 484	HB 532
45-5-803	enacted	Ch. 484	HB 532
45-5-804	enacted	Ch. 484	HB 532
45-6-101	amended	Ch. 463	HB 578
45-6-203	amended	Ch. 446	HB 354
45-6-206	enacted	Ch. 179	SB 101
45-6-207	enacted	Ch. 179	SB 101
45-6-210	enacted	Ch. 410	SB 493

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45-6-301	amended	Ch. 583	SB 19
45-6-309	amended	Ch. 583	SB 19
45-6-316	amended	Ch. 583	SB 19
45-6-317	amended	Ch. 583	SB 19
45-6-325	amended	Ch. 583	SB 19
45-6-332	amended (replaced — sec. 9, Ch. 583)	Ch. 484	HB 532
	amended (replaced — sec. 9, Ch. 583)	Ch. 583	SB 19
45-6-333	repealed	Ch. 484	HB 532
45-6-345	amended	Ch. 583	SB 19
45-7-207	amended	Ch. 24	HB 44
45-7-313	enacted	Ch. 405	SB 457
45-8-111	amended	Ch. 332	HB 642
45-8-201	amended	Ch. 102	HB 82
45-8-213	amended	Ch. 686	HB 514
45-8-226	enacted	Ch. 568	SB 300
45-8-227	enacted	Ch. 568	SB 300
45-8-228	enacted	Ch. 568	SB 300
45-8-229	enacted	Ch. 568	SB 300
45-8-346	enacted	Ch. 308	HB 493
45-8-371	enacted	Ch. 727	HB 801
45-8-372	enacted	Ch. 727	HB 801
45-8-373	enacted	Ch. 727	HB 801
45-8-374	enacted	Ch. 727	HB 801
45-8-375	enacted	Ch. 727	HB 801
45-8-376	enacted	Ch. 727	HB 801
45-8-377	enacted	Ch. 727	HB 801
45-8-405	amended	Ch. 308	HB 493
46-1-104	enacted	Ch. 113	HB 214
46-4-308	enacted	Ch. 341	HB 710
46-5-112	amended	Ch. 382	SB 282
46-5-114	formerly 61-5-310	Ch. 177	SB 124
46-5-227	amended	Ch. 404	SB 444
46-5-401	amended	Ch. 123	HB 278
46-5-602	amended	Ch. 382	SB 282
46-5-603	enacted	Ch. 382	SB 282
46-9-105	amended	Ch. 651	HB 396
46-9-109	amended	Ch. 651	HB 396
46-9-201	amended	Ch. 280	HB 415
46-9-301	amended	Ch. 651	HB 396
46-14-202	amended	Ch. 607	SB 429
46-14-206	amended	Ch. 607	SB 429
46-14-221	amended	Ch. 607	SB 429
46-14-223	enacted	Ch. 607	SB 429
46-16-112	amended	Ch. 428	HB 194
46-16-222	amended	Ch. 484	HB 532
46-18-101	amended	Ch. 463	HB 578
46-18-104	amended	Ch. 484	HB 532
46-18-111	amended	Ch. 484	HB 532
46-18-201	amended	Ch. 226	HB 267
	amended	Ch. 498	HB 582
	amended	Ch. 509	HB 712
46-18-203	amended	Ch. 324	HB 612
	amended	Ch. 356	SB 70
	amended	Ch. 498	HB 582
	amended	Ch. 624	SB 552

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46-18-227	enacted	Ch. 566	SB 296
46-18-228	enacted	Ch. 566	SB 296
46-18-240	enacted	Ch. 509	HB 712
46-18-241	amended	Ch. 509	HB 712
46-18-242	amended	Ch. 463	HB 578
46-18-246	amended	Ch. 463	HB 578
46-18-401	amended	Ch. 324	HB 612
46-18-403	amended	Ch. 498	HB 582
46-23-502	amended	Ch. 102	HB 82
	amended	Ch. 484	HB 532
	amended	Ch. 602	SB 348
	amended	Ch. 657	HB 446
46-23-506	amended	Ch. 117	HB 268
46-23-509	amended	Ch. 102	HB 82
	amended	Ch. 484	HB 532
46-23-1011	amended	Ch. 356	SB 70
	amended	Ch. 624	SB 552
46-23-1029	enacted	Ch. 370	SB 217
46-30-101	amended	Ch. 455	HB 535
46-30-102	amended	Ch. 455	HB 535
46-30-202	amended	Ch. 455	HB 535
46-30-203	amended	Ch. 455	HB 535
46-30-204	amended	Ch. 455	HB 535
46-30-205	enacted	Ch. 455	HB 535
46-30-211	amended	Ch. 455	HB 535
46-30-212	amended	Ch. 455	HB 535
46-30-213	amended	Ch. 455	HB 535
46-30-214	amended	Ch. 455	HB 535
46-30-215	amended	Ch. 455	HB 535
46-30-217	amended	Ch. 455	HB 535
46-30-218	amended	Ch. 455	HB 535
46-30-225	amended	Ch. 455	HB 535
46-30-226	amended	Ch. 455	HB 535
46-30-228	amended	Ch. 455	HB 535
46-30-229	amended	Ch. 455	HB 535
46-30-302	amended	Ch. 455	HB 535
46-30-303	amended	Ch. 455	HB 535
46-30-304	amended	Ch. 455	HB 535
46-30-401	amended	Ch. 455	HB 535
46-30-402	amended	Ch. 455	HB 535
46-30-411	amended	Ch. 455	HB 535
46-30-412	amended	Ch. 455	HB 535
46-30-414	enacted	Ch. 455	HB 535
47-1-104	amended	Ch. 228	HB 102
	amended	Ch. 690	HB 575
47-1-105	amended	Ch. 228	HB 102
47-1-119	amended	Ch. 228	HB 102
47-1-120	repealed	Ch. 228	HB 102
47-1-121	repealed	Ch. 228	HB 102
47-1-125	amended	Ch. 228	HB 102
47-1-201	amended	Ch. 228	HB 102
47-1-202	amended	Ch. 228	HB 102
47-1-215	amended	Ch. 228	HB 102
47-1-301	amended	Ch. 228	HB 102
47-1-302	enacted	Ch. 228	HB 102

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47-1-401	amended	Ch. 228	HB 102
47-1-402	enacted	Ch. 228	HB 102
47-1-403	enacted	Ch. 228	HB 102
49-1-301	enacted	Ch. 275	HB 400
49-1-302	enacted	Ch. 275	HB 400
49-1-303	enacted	Ch. 275	HB 400
49-1-304	enacted	Ch. 275	HB 400
49-2-307	amended	Ch. 36	HB 300
49-2-312	amended	Ch. 728	HB 807
49-4-214	amended	Ch. 568	SB 300
49-4-302	amended	Ch. 23	HB 43
49-4-303	amended	Ch. 395	SB 380
49-4-307	amended	Ch. 22	HB 38
49-4-501	amended	Ch. 237	HB 184
49-4-502	amended	Ch. 237	HB 184
49-4-602	amended	Ch. 237	HB 184
49-5-101	enacted	Ch. 331	HB 638
49-5-102	enacted	Ch. 331	HB 638
50-1-119	amended	Ch. 760	HB 936
50-2-116	amended (replaced — sec. 2, Ch. 256)	Ch. 236	HB 180
	amended (replaced — sec. 2, Ch. 256)	Ch. 256	HB 318
	amended	Ch. 746	HB 888
50-4-1005	repealed	Ch. 560	SB 218
50-4-1201	enacted	Ch. 33	HB 121
50-4-1202	enacted	Ch. 33	HB 121
50-4-1203	enacted	Ch. 33	HB 121
50-4-1204	enacted	Ch. 33	HB 121
50-4-1302	enacted	Ch. 269	HB 388
50-4-1303	enacted	Ch. 269	HB 388
50-4-1309	enacted	Ch. 269	HB 388
50-4-1315	enacted	Ch. 269	HB 388
50-4-1405	enacted	Ch. 560	SB 218
50-5-101	amended	Ch. 364	SB 191
	amended	Ch. 414	SB 516
	amended	Ch. 621	SB 535
	amended	Ch. 627	SB 560
50-5-110	amended	Ch. 539	HB 825
50-5-118	enacted	Ch. 627	SB 560
50-5-119	enacted	Ch. 627	SB 560
50-5-120	enacted	Ch. 627	SB 560
50-5-121	amended	Ch. 627	SB 560
50-5-201	amended	Ch. 414	SB 516
50-5-203	amended	Ch. 414	SB 516
50-5-204	amended	Ch. 414	SB 516
50-5-207	amended	Ch. 414	SB 516
50-5-226	amended	Ch. 414	SB 516
	amended	Ch. 618	SB 524
50-5-248	enacted	Ch. 364	SB 191
50-5-250	enacted	Ch. 621	SB 535
50-5-251	enacted	Ch. 621	SB 535
50-5-252	enacted	Ch. 621	SB 535
50-5-302	amended	Ch. 68	SB 88
50-5-1301	amended	Ch. 539	HB 825
50-5-1303	amended	Ch. 539	HB 825

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50-5-1310	enacted	Ch. 539	HB 825
50-5-1311	enacted	Ch. 539	HB 825
50-6-104	amended	Ch. 415	SB 518
50-6-105	amended	Ch. 415	SB 518
50-6-201	amended	Ch. 415	SB 518
50-6-202	amended	Ch. 415	SB 518
50-6-203	amended	Ch. 415	SB 518
50-6-302	amended	Ch. 415	SB 518
50-6-323	amended	Ch. 415	SB 518
50-6-401	amended	Ch. 414	SB 516
50-6-501	amended	Ch. 66	SB 86
50-6-502	amended	Ch. 66	SB 86
50-6-503	repealed	Ch. 66	SB 86
50-6-504	amended	Ch. 66	SB 86
50-6-505	amended	Ch. 66	SB 86
50-12-102	amended	Ch. 621	SB 535
50-12-103	amended	Ch. 621	SB 535
50-12-104	amended	Ch. 621	SB 535
50-12-105	amended	Ch. 621	SB 535
50-12-106	amended	Ch. 621	SB 535
50-12-107	amended	Ch. 621	SB 535
50-12-108	amended	Ch. 621	SB 535
50-12-109	amended	Ch. 621	SB 535
50-15-111	amended	Ch. 399	SB 412
50-16-535	amended	Ch. 534	HB 796
50-16-546	enacted	Ch. 273	HB 397
50-16-607	enacted	Ch. 126	HB 253
50-16-806	enacted	Ch. 694	HB 590
50-16-811	amended	Ch. 534	HB 796
50-20-809	enacted	Ch. 517	HB 723
50-20-901	amended	Ch. 414	SB 516
50-31-103	amended	Ch. 276	HB 401
50-31-203	amended	Ch. 276	HB 401
50-31-239	enacted	Ch. 394	SB 375
50-31-501	amended	Ch. 276	HB 401
50-31-511	enacted	Ch. 276	HB 401
50-31-512	enacted	Ch. 276	HB 401
50-32-232	amended	Ch. 7	HB 41
50-32-602	amended	Ch. 581	SB 503
50-32-603	amended	Ch. 415	SB 518
50-32-607	amended	Ch. 581	SB 503
50-32-608	amended	Ch. 581	SB 503
50-40-103	amended	Ch. 574	SB 390
50-49-203	amended	Ch. 344	SB 161
50-50-102	amended	Ch. 344	SB 161
	amended	Ch. 737	HB 853
50-50-201	amended	Ch. 737	HB 853
50-50-205	amended	Ch. 737	HB 853
50-51-204	amended	Ch. 737	HB 853
50-52-202	amended	Ch. 737	HB 853
50-53-102	amended	Ch. 737	HB 853
50-53-203	amended	Ch. 737	HB 853
50-57-205	amended	Ch. 737	HB 853
50-60-106	amended	Ch. 164	SB 33

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50-60-115	amended	Ch. 106	HB 144
50-60-119	enacted	Ch. 483	HB 427
50-60-124	enacted	Ch. 505	HB 703
50-60-203	amended	Ch. 368	SB 213
50-61-106	amended	Ch. 335	HB 651
50-61-122	enacted	Ch. 335	HB 651
50-63-102	amended	Ch. 635	HB 84
50-63-103	amended	Ch. 635	HB 84
52-2-629	enacted	Ch. 399	SB 412
52-2-630	enacted	Ch. 399	SB 412
52-2-736	amended	Ch. 414	SB 516
52-2-806	amended	Ch. 414	SB 516
52-2-1001	enacted	Ch. 775	HB 924
52-2-1002	enacted	Ch. 775	HB 924
52-2-1003	enacted	Ch. 775	HB 924
52-2-1004	enacted	Ch. 775	HB 924
52-2-1005	enacted	Ch. 775	HB 924
52-3-803	amended	Ch. 484	HB 532
52-3-812	amended	Ch. 523	HB 743
52-3-816	enacted (replaced — sec. 5, Ch. 523)	Ch. 523	HB 743
52-3-817	enacted (replaced — sec. 6, Ch. 523)	Ch. 523	HB 743
52-3-825	repealed	Ch. 484	HB 532
52-4-203	amended	Ch. 414	SB 516
53-1-216	amended and renumbered 5-5-235	Ch. 173	SB 162
53-2-112	enacted	Ch. 747	HB 891
53-2-606	amended	Ch. 366	SB 194
53-4-1005	amended	Ch. 709	HB 682
53-4-1115	amended	Ch. 496	HB 576
53-6-101	amended	Ch. 53	HB 112
	amended	Ch. 414	SB 516
	amended	Ch. 597	SB 319
	amended	Ch. 663	HB 953
	amended	Ch. 709	HB 682
53-6-113	amended	Ch. 301	HB 473
53-6-116	amended	Ch. 460	HB 562
	amended	Ch. 663	HB 953
53-6-124	amended	Ch. 663	HB 953
53-6-130	enacted	Ch. 465	HB 601
53-6-149	amended	Ch. 302	HB 474
53-6-152	enacted	Ch. 420	HB 56
53-6-402	amended	Ch. 654	HB 419
53-6-406	repealed	Ch. 654	HB 419
53-6-1002	amended	Ch. 726	HB 794
53-6-1308	amended	Ch. 471	HB 687
53-6-1501	enacted	Ch. 518	HB 732
53-6-1502	enacted	Ch. 518	HB 732
53-6-1503	enacted	Ch. 518	HB 732
53-6-1601	enacted	Ch. 654	HB 419
53-6-1602	enacted	Ch. 654	HB 419
53-6-1603	enacted	Ch. 654	HB 419
53-6-1604	enacted	Ch. 654	HB 419
53-6-1605	enacted	Ch. 654	HB 419
53-6-2210	formerly 33-22-2104	Ch. 8	HB 60
53-7-401	enacted	Ch. 65	SB 82

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53-7-402	enacted	Ch. 65	SB 82
53-7-403	enacted	Ch. 65	SB 82
53-7-404	enacted	Ch. 65	SB 82
53-7-405	enacted	Ch. 65	SB 82
53-7-406	enacted	Ch. 65	SB 82
53-9-103	amended	Ch. 47	HB 99
53-19-401	amended	Ch. 237	HB 184
53-19-402	amended	Ch. 237	HB 184
53-20-302	amended	Ch. 414	SB 516
53-20-305	amended	Ch. 414	SB 516
53-21-102	amended	Ch. 608	SB 430
53-21-119	amended	Ch. 609	SB 435
53-21-126	amended	Ch. 608	SB 430
53-21-127	amended	Ch. 608	SB 430
	amended	Ch. 618	SB 524
53-21-129	amended	Ch. 608	SB 430
	amended	Ch. 609	SB 435
53-21-132	amended	Ch. 609	SB 435
53-21-140	amended	Ch. 609	SB 435
53-21-149	amended	Ch. 763	HB 949
53-21-154	enacted	Ch. 609	SB 435
53-21-155	enacted	Ch. 763	HB 949
53-21-181	amended	Ch. 608	SB 430
53-21-193	amended	Ch. 608	SB 430
	amended	Ch. 763	HB 949
53-21-199	amended	Ch. 618	SB 524
53-21-606	enacted	Ch. 277	HB 403
53-21-702	amended	Ch. 69	SB 144
53-21-1014	enacted	Ch. 495	HB 574
53-21-1015	enacted	Ch. 495	HB 574
53-21-1016	enacted	Ch. 495	HB 574
53-25-102	amended	Ch. 53	HB 112
53-25-103	amended	Ch. 339	HB 671
53-25-117	amended	Ch. 545	SB 53
53-30-106	amended	Ch. 506	HB 707
53-30-116	enacted	Ch. 506	HB 707
53-30-131	amended	Ch. 461	HB 572
53-30-132	amended	Ch. 461	HB 572
53-30-155	enacted	Ch. 321	HB 595
53-30-156	enacted	Ch. 461	HB 572
60-1-103	amended	Ch. 17	HB 42
60-1-242	enacted	Ch. 1	SB 59
60-1-243	enacted	Ch. 396	SB 392
60-1-244	enacted	Ch. 289	HB 448
60-1-245	enacted	Ch. 622	SB 545
60-2-107	amended	Ch. 17	HB 42
60-2-112	amended	Ch. 17	HB 42
60-2-115	amended	Ch. 17	HB 42
60-2-129	amended	Ch. 441	HB 345
60-2-134	amended	Ch. 17	HB 42
60-2-209	amended	Ch. 268	HB 387
60-2-212	enacted	Ch. 775	HB 924
60-2-220	amended	Ch. 17	HB 42
60-2-240	amended	Ch. 17	HB 42

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60-2-246	enacted	Ch. 45	HB 97
60-2-601	amended	Ch. 209	SB 309
60-2-602	amended	Ch. 209	SB 309
60-3-206	amended	Ch. 17	HB 42
60-3-211	amended	Ch. 17	HB 42
60-3-304	amended	Ch. 460	HB 562
60-3-309	amended	Ch. 460	HB 562
60-4-108	amended	Ch. 268	HB 387
60-4-201	amended	Ch. 17	HB 42
60-4-202	amended	Ch. 17	HB 42
60-4-203	amended	Ch. 17	HB 42
60-4-208	repealed	Ch. 17	HB 42
60-4-209	amended and renumbered 60-4-212	Ch. 17	HB 42
60-4-211	enacted	Ch. 17	HB 42
60-4-212	formerly 60-4-209	Ch. 17	HB 42
60-4-213	amended	Ch. 17	HB 42
60-4-214	amended	Ch. 17	HB 42
60-4-215	amended	Ch. 17	HB 42
60-4-216	amended	Ch. 17	HB 42
60-4-217	amended	Ch. 17	HB 42
60-4-218	amended	Ch. 17	HB 42
60-4-401	amended	Ch. 17	HB 42
60-4-402	amended	Ch. 469	HB 672
60-4-403	amended	Ch. 469	HB 672
60-4-601	amended	Ch. 17	HB 42
60-5-102	amended	Ch. 17	HB 42
60-6-106	amended	Ch. 17	HB 42
60-6-201	enacted	Ch. 662	HB 940
60-6-202	enacted	Ch. 662	HB 940
60-6-203	enacted	Ch. 662	HB 940
60-6-204	enacted	Ch. 662	HB 940
60-11-111	amended	Ch. 17	HB 42
60-11-112	repealed	Ch. 17	HB 42
61-1-101	amended	Ch. 47	HB 99
	amended	Ch. 395	SB 380
	amended	Ch. 693	HB 588
61-2-102	amended	Ch. 47	HB 99
61-2-302	amended	Ch. 264	HB 344
61-2-502	amended	Ch. 415	SB 518
61-3-109	amended	Ch. 395	SB 380
61-3-130	enacted	Ch. 47	HB 99
61-3-201	amended	Ch. 47	HB 99
	amended	Ch. 395	SB 380
61-3-202	amended	Ch. 395	SB 380
61-3-204	amended	Ch. 395	SB 380
61-3-206	amended	Ch. 47	HB 99
61-3-208	amended	Ch. 88	HB 165
61-3-210	amended	Ch. 395	SB 380
61-3-216	amended	Ch. 88	HB 165
61-3-217	amended	Ch. 395	SB 380
61-3-218	amended	Ch. 88	HB 165
61-3-220	amended	Ch. 88	HB 165
	amended	Ch. 395	SB 380
61-3-224	amended	Ch. 47	HB 99
	amended	Ch. 395	SB 380

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61-3-226	amended	Ch. 47	HB 99
61-3-301	amended	Ch. 47	HB 99
61-3-303	amended	Ch. 88	HB 165
	amended	Ch. 395	SB 380
	amended	Ch. 440	HB 341
61-3-306	enacted	Ch. 91	HB 235
61-3-307	enacted	Ch. 91	HB 235
61-3-317	amended	Ch. 47	HB 99
	amended (void — sec. 13, Ch. 693)	Ch. 693	HB 588
61-3-321	amended	Ch. 47	HB 99
	amended	Ch. 395	SB 380
61-3-401	amended	Ch. 395	SB 380
61-3-405	amended	Ch. 395	SB 380
61-3-412	amended	Ch. 47	HB 99
	amended	Ch. 395	SB 380
61-3-413	amended	Ch. 47	HB 99
	amended	Ch. 395	SB 380
	repealed	Ch. 395	SB 380
61-3-416	enacted	Ch. 736	HB 849
61-3-426	repealed	Ch. 395	SB 380
61-3-473	repealed	Ch. 395	SB 380
61-3-503	amended	Ch. 47	HB 99
61-4-101	amended	Ch. 395	SB 380
61-4-102	amended	Ch. 47	HB 99
61-4-104	amended	Ch. 47	HB 99
61-4-110	amended	Ch. 47	HB 99
61-4-111	amended	Ch. 47	HB 99
61-4-121	amended	Ch. 47	HB 99
61-4-123	amended	Ch. 47	HB 99
	amended	Ch. 205	SB 341
61-4-125	amended	Ch. 395	SB 380
61-4-128	amended	Ch. 395	SB 380
61-4-129	amended	Ch. 395	SB 380
61-4-201	amended	Ch. 47	HB 99
	amended	Ch. 205	SB 341
61-4-212	amended	Ch. 47	HB 99
61-4-213	amended	Ch. 47	HB 99
61-4-222	amended	Ch. 47	HB 99
61-4-225	amended	Ch. 395	SB 380
61-4-301	amended	Ch. 395	SB 380
61-4-402	amended	Ch. 47	HB 99
61-4-501	amended	Ch. 47	HB 99
61-5-104	amended	Ch. 47	HB 99
61-5-105	amended	Ch. 395	SB 380
61-5-111	amended	Ch. 395	SB 380
	amended	Ch. 399	SB 412
	amended	Ch. 551	SB 91
61-5-112	amended	Ch. 47	HB 99
61-5-114	amended	Ch. 399	SB 412
61-5-119	amended	Ch. 47	HB 99
	amended	Ch. 395	SB 380
61-5-120	amended	Ch. 47	HB 99
61-5-123	amended	Ch. 507	HB 708
61-5-201	amended	Ch. 395	SB 380
61-5-209	repealed	Ch. 395	SB 380

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61-5-212	amended	Ch. 264	HB 344
61-5-231	amended	Ch. 264	HB 344
61-5-232	amended	Ch. 47	HB 99
61-5-310 ..	amended and renumbered 46-5-114	Ch. 177	SB 124
61-6-102	amended	Ch. 47	HB 99
61-6-113	enacted	Ch. 91	HB 235
61-6-301	amended	Ch. 23	HB 43
61-6-302	amended	Ch. 47	HB 99
61-6-401	enacted	Ch. 355	SB 67
61-6-402	enacted	Ch. 355	SB 67
61-6-403	enacted	Ch. 355	SB 67
61-6-409	enacted	Ch. 355	SB 67
61-6-420	enacted	Ch. 355	SB 67
61-6-421	enacted	Ch. 355	SB 67
61-8-101	amended	Ch. 23	HB 43
61-8-102	amended	Ch. 23	HB 43
	amended	Ch. 693	HB 588
61-8-105	amended	Ch. 47	HB 99
61-8-110	amended	Ch. 47	HB 99
61-8-303	amended	Ch. 47	HB 99
	amended	Ch. 255	HB 312
61-8-310	amended	Ch. 400	SB 428
61-8-316	amended	Ch. 311	HB 503
61-8-318	enacted	Ch. 401	SB 433
61-8-319	enacted	Ch. 521	HB 739
61-8-327	amended	Ch. 401	SB 433
61-8-351	amended	Ch. 23	HB 43
61-8-376	amended	Ch. 47	HB 99
61-8-387	amended	Ch. 23	HB 43
61-8-502	amended	Ch. 580	SB 471
61-8-601	amended	Ch. 693	HB 588
61-8-602	amended	Ch. 693	HB 588
61-8-603	amended	Ch. 693	HB 588
61-8-604	amended	Ch. 693	HB 588
61-8-605	amended	Ch. 23	HB 43
61-8-606	amended	Ch. 693	HB 588
61-8-607	amended	Ch. 693	HB 588
61-8-608	amended	Ch. 693	HB 588
61-8-609	amended	Ch. 693	HB 588
61-8-707	enacted	Ch. 311	HB 503
61-8-725	amended	Ch. 255	HB 312
61-8-742	enacted	Ch. 580	SB 471
61-8-803	amended	Ch. 47	HB 99
61-8-805	amended	Ch. 264	HB 344
61-8-806	amended	Ch. 298	HB 467
61-8-1001	amended	Ch. 47	HB 99
	amended	Ch. 264	HB 344
	amended	Ch. 298	HB 467
61-8-1002	amended	Ch. 264	HB 344
	amended	Ch. 298	HB 467
	amended	Ch. 412	SB 508
61-8-1007	amended	Ch. 226	HB 267
	amended	Ch. 264	HB 344
61-8-1008	amended	Ch. 226	HB 267
	amended	Ch. 264	HB 344

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61-8-1009	amended	Ch. 264	HB 344
61-8-1011	amended	Ch. 264	HB 344
	amended	Ch. 702	HB 626
61-8-1016	amended	Ch. 53	HB 112
	amended	Ch. 226	HB 267
	amended	Ch. 298	HB 467
	amended	Ch. 395	SB 380
61-8-1017	amended	Ch. 395	SB 380
61-8-1032	amended	Ch. 395	SB 380
61-9-105	amended	Ch. 47	HB 99
61-9-204	amended	Ch. 47	HB 99
61-9-226	amended	Ch. 343	SB 111
61-9-406	amended	Ch. 47	HB 99
61-9-407	amended	Ch. 47	HB 99
61-9-409	amended	Ch. 47	HB 99
61-9-414	amended	Ch. 47	HB 99
61-9-416	amended	Ch. 47	HB 99
61-9-417	amended	Ch. 47	HB 99
	amended	Ch. 693	HB 588
61-9-419	amended	Ch. 692	HB 586
61-9-420	amended	Ch. 692	HB 586
61-9-421	amended	Ch. 692	HB 586
61-9-430	amended	Ch. 47	HB 99
61-9-432	amended	Ch. 47	HB 99
61-9-435	amended	Ch. 378	SB 264
61-9-437	amended	Ch. 47	HB 99
61-9-513	repealed	Ch. 47	HB 99
61-9-514	repealed	Ch. 47	HB 99
61-9-518	amended	Ch. 47	HB 99
61-9-519	repealed	Ch. 47	HB 99
61-9-520	amended	Ch. 47	HB 99
61-10-102	amended	Ch. 47	HB 99
61-10-111	amended	Ch. 47	HB 99
61-10-124	amended	Ch. 45	HB 97
	amended	Ch. 47	HB 99
61-10-141	amended	Ch. 47	HB 99
61-10-154	amended	Ch. 460	HB 562
61-11-101	amended	Ch. 47	HB 99
61-11-508	amended	Ch. 90	HB 210
61-12-401	amended	Ch. 23	HB 43
61-12-501	amended	Ch. 395	SB 380
	amended	Ch. 551	SB 91
61-12-504	amended	Ch. 399	SB 412
61-14-101	amended	Ch. 88	HB 165
	amended	Ch. 91	HB 235
	amended	Ch. 440	HB 341
67-1-106	enacted	Ch. 494	HB 571
69-1-114	amended	Ch. 632	HB 55
69-1-222	amended	Ch. 625	SB 553
69-2-301	enacted	Ch. 681	HB 490
69-2-302	enacted	Ch. 681	HB 490
69-2-303	enacted	Ch. 681	HB 490
69-3-224	enacted	Ch. 678	HB 424
69-3-225	amended	Ch. 476	HB 45
69-3-302	amended	Ch. 476	HB 45

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69-3-305	amended	Ch. 476	HB 45
69-3-803	amended	Ch. 476	HB 45
69-3-805	amended	Ch. 61	SB 51
	amended (void — sec. 11, Ch. 476)	Ch. 476	HB 45
69-3-806	repealed	Ch. 476	HB 45
69-3-807	repealed	Ch. 476	HB 45
69-3-808	repealed	Ch. 476	HB 45
69-3-809	repealed	Ch. 476	HB 45
69-3-810	repealed	Ch. 476	HB 45
69-3-821	repealed	Ch. 476	HB 45
69-3-841	repealed	Ch. 476	HB 45
69-3-842	repealed	Ch. 476	HB 45
69-3-843	repealed	Ch. 476	HB 45
69-3-844	repealed	Ch. 476	HB 45
69-3-845	repealed	Ch. 476	HB 45
69-3-846	repealed	Ch. 476	HB 45
69-3-850	enacted	Ch. 476	HB 45
69-3-870	repealed	Ch. 476	HB 45
69-3-901	repealed	Ch. 476	HB 45
69-3-902	repealed	Ch. 476	HB 45
69-3-903	repealed	Ch. 476	HB 45
69-3-904	repealed	Ch. 476	HB 45
69-3-906	repealed	Ch. 476	HB 45
69-3-907	repealed	Ch. 476	HB 45
69-3-910	repealed	Ch. 476	HB 45
69-3-1204	amended	Ch. 632	HB 55
69-3-1205	amended	Ch. 632	HB 55
69-3-1207	amended	Ch. 632	HB 55
69-3-1208	amended	Ch. 632	HB 55
69-3-1210	enacted	Ch. 632	HB 55
69-4-101	amended	Ch. 230	HB 122
69-4-106	enacted	Ch. 595	SB 301
69-4-107	enacted	Ch. 595	SB 301
69-4-108	enacted	Ch. 595	SB 301
69-5-201	amended	Ch. 389	SB 355
69-5-202	amended	Ch. 389	SB 355
69-7-111	amended	Ch. 272	HB 394
69-8-402	amended	Ch. 625	SB 553
69-8-421	amended	Ch. 632	HB 55
69-12-321	amended	Ch. 59	SB 22
69-14-252	amended	Ch. 224	SB 23
70-9-802	amended	Ch. 87	HB 164
70-9-803	amended	Ch. 87	HB 164
70-9-808	amended	Ch. 87	HB 164
70-9-815	amended	Ch. 195	HB 88
70-16-110	enacted	Ch. 452	HB 416
70-17-112	amended	Ch. 447	HB 355
70-17-210	amended	Ch. 258	HB 325
	amended	Ch. 423	HB 147
70-24-103	amended	Ch. 768	HB 810
70-24-113	amended	Ch. 179	SB 101
70-24-114	amended	Ch. 360	SB 149
70-24-201	amended	Ch. 768	HB 810
70-25-201	amended	Ch. 656	HB 444

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70-25-202	amended	Ch. 656	HB 444
70-30-102	amended	Ch. 55	SB 1
70-33-103	amended	Ch. 768	HB 810
70-33-110	amended	Ch. 360	SB 149
70-33-201	amended	Ch. 768	HB 810
71-3-125	amended	Ch. 200	SB 426
71-3-1201	amended	Ch. 178	SB 113
71-3-1203	amended	Ch. 393	SB 373
72-3-1006	repealed	Ch. 545	SB 53
72-6-412	amended	Ch. 296	HB 464
72-17-102	amended	Ch. 361	SB 154
72-17-302	amended	Ch. 361	SB 154
72-30-301	enacted	Ch. 176	SB 134
72-30-302	enacted	Ch. 176	SB 134
72-30-303	enacted	Ch. 176	SB 134
75-1-102	amended	Ch. 246	HB 270
	amended	Ch. 248	HB 285
75-1-103	repealed	Ch. 248	HB 285
75-1-104	amended	Ch. 248	HB 285
75-1-105	repealed	Ch. 248	HB 285
75-1-106	amended	Ch. 248	HB 285
75-1-107	repealed	Ch. 248	HB 285
75-1-108	repealed	Ch. 248	HB 285
75-1-109	enacted	Ch. 248	HB 285
75-1-111	enacted	Ch. 248	HB 285
75-1-112	enacted	Ch. 377	SB 262
75-1-201	amended (replaced — sec. 8, Ch. 246)	Ch. 246	HB 270
	amended (replaced — sec. 8, Ch. 246)	Ch. 248	HB 285
	amended (replaced — sec. 8, Ch. 246)	Ch. 348	SB 221
75-1-202	amended	Ch. 348	SB 221
75-1-208	amended	Ch. 246	HB 270
	amended	Ch. 248	HB 285
75-1-209	enacted	Ch. 297	HB 466
75-1-210	enacted	Ch. 297	HB 466
75-1-211	enacted	Ch. 348	SB 221
75-1-220	amended	Ch. 297	HB 466
	amended	Ch. 348	SB 221
75-1-314	repealed	Ch. 460	HB 562
75-1-324	amended	Ch. 248	HB 285
75-2-106	repealed	Ch. 9	HB 64
75-2-109	amended	Ch. 9	HB 64
75-2-111	amended	Ch. 249	HB 291
75-2-124	enacted	Ch. 505	HB 703
75-2-203	amended	Ch. 249	HB 291
75-2-207	amended	Ch. 249	HB 291
75-2-301	amended	Ch. 249	HB 291
75-5-103	amended	Ch. 338	HB 664
	amended	Ch. 712	HB 685
75-5-301	amended	Ch. 712	HB 685
75-5-303	amended	Ch. 712	HB 685
75-5-316	amended	Ch. 712	HB 685
75-5-321	repealed	Ch. 338	HB 664
75-5-322	enacted	Ch. 338	HB 664
75-5-412	enacted	Ch. 520	HB 736

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75-5-516	amended	Ch. 712	HB 685
75-5-605	amended	Ch. 712	HB 685
75-5-702	amended	Ch. 711	HB 684
75-6-102	amended	Ch. 486	HB 534
75-6-104	amended	Ch. 418	HB 40
	amended	Ch. 486	HB 534
75-6-108	amended	Ch. 418	HB 40
75-6-115	amended	Ch. 418	HB 40
75-6-121	amended	Ch. 377	SB 262
75-6-130	amended	Ch. 486	HB 534
75-6-132	enacted	Ch. 418	HB 40
75-7-113	amended	Ch. 180	SB 10
75-7-218	enacted	Ch. 362	SB 168
75-8-305	enacted	Ch. 771	HB 368
75-10-704	amended	Ch. 196	HB 58
75-10-743	amended	Ch. 196	HB 58
75-10-1301	amended	Ch. 367	SB 201
75-10-1302	amended	Ch. 367	SB 201
75-10-1303	amended	Ch. 367	SB 201
75-10-1304	amended	Ch. 367	SB 201
75-10-1305	amended	Ch. 367	SB 201
75-10-1306	amended	Ch. 367	SB 201
75-10-1307	enacted	Ch. 367	SB 201
75-10-1308	enacted	Ch. 367	SB 201
75-10-1501	repealed	Ch. 417	HB 26
75-10-1502	repealed	Ch. 417	HB 26
75-10-1503	repealed	Ch. 417	HB 26
75-10-1504	repealed	Ch. 417	HB 26
75-10-1505	repealed	Ch. 417	HB 26
75-10-1506	repealed	Ch. 417	HB 26
75-10-1507	repealed	Ch. 417	HB 26
75-10-1508	repealed	Ch. 417	HB 26
75-10-1509	repealed	Ch. 417	HB 26
75-11-307	amended	Ch. 189	HB 189
75-11-308	amended	Ch. 189	HB 189
75-11-309	amended	Ch. 207	SB 315
	amended	Ch. 475	HB 808
75-11-310	enacted	Ch. 207	SB 315
75-11-313	amended	Ch. 207	SB 315
75-11-318	amended	Ch. 207	SB 315
75-11-401	repealed	Ch. 475	HB 808
75-11-402	repealed	Ch. 475	HB 808
75-11-403	repealed	Ch. 475	HB 808
75-11-407	repealed	Ch. 475	HB 808
75-11-408	repealed	Ch. 475	HB 808
75-11-409	repealed	Ch. 475	HB 808
75-11-505	amended	Ch. 543	SB 46
75-11-701	enacted	Ch. 475	HB 808
75-11-702	enacted	Ch. 475	HB 808
75-11-703	enacted	Ch. 475	HB 808
75-11-704	enacted	Ch. 475	HB 808
75-11-705	enacted	Ch. 475	HB 808
75-11-706	enacted	Ch. 475	HB 808
75-11-707	enacted	Ch. 475	HB 808
75-11-708	enacted	Ch. 475	HB 808

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75-20-204	amended	Ch. 503	HB 696
	amended	Ch. 700	HB 623
75-20-206	enacted	Ch. 503	HB 696
75-20-1302	enacted	Ch. 700	HB 623
75-26-304	amended	Ch. 631	HB 31
75-26-305	enacted	Ch. 631	HB 31
75-26-308	amended	Ch. 631	HB 31
75-26-402	enacted	Ch. 761	HB 939
75-26-403	enacted	Ch. 761	HB 939
76-1-602	amended	Ch. 272	HB 394
76-2-105	amended	Ch. 369	SB 214
76-2-113	amended	Ch. 369	SB 214
76-2-118	amended	Ch. 325	HB 614
76-2-119	enacted	Ch. 376	SB 252
76-2-202	amended	Ch. 376	SB 252
76-2-205	amended	Ch. 154	SB 175
76-2-208	amended	Ch. 369	SB 214
76-2-210	amended	Ch. 369	SB 214
76-2-215	enacted	Ch. 619	SB 532
76-2-229	amended	Ch. 325	HB 614
76-2-302	amended	Ch. 369	SB 214
	amended	Ch. 376	SB 252
76-2-303	amended	Ch. 272	HB 394
	amended	Ch. 510	HB 713
76-2-304	amended	Ch. 591	SB 243
	amended	Ch. 682	HB 492
76-2-305	repealed	Ch. 510	HB 713
76-2-306	amended	Ch. 272	HB 394
76-2-308	amended	Ch. 369	SB 214
76-2-310	amended	Ch. 555	SB 121
76-2-316	enacted	Ch. 369	SB 214
76-3-103	amended	Ch. 187	HB 233
	amended	Ch. 486	HB 534
	amended	Ch. 589	SB 174
76-3-207	amended	Ch. 314	HB 520
	amended	Ch. 511	HB 714
76-3-211	amended	Ch. 213	SB 275
76-3-308	enacted	Ch. 187	HB 233
76-3-501	amended	Ch. 708	HB 681
76-3-503	amended	Ch. 272	HB 394
76-3-504	amended	Ch. 589	SB 174
76-3-507	amended	Ch. 486	HB 534
76-3-512	enacted	Ch. 625	SB 553
76-3-604	amended	Ch. 708	HB 681
76-3-605	amended	Ch. 272	HB 394
76-3-608	amended	Ch. 708	HB 681
76-3-621	amended	Ch. 589	SB 174
	amended	Ch. 625	SB 553
76-3-622	amended	Ch. 708	HB 681
76-3-623	amended	Ch. 272	HB 394
76-4-102	amended	Ch. 236	HB 180
	amended	Ch. 486	HB 534
76-4-104	amended	Ch. 377	SB 262
	amended	Ch. 708	HB 681
76-4-120	amended	Ch. 486	HB 534

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76-4-125	amended	Ch. 555	SB 121
76-4-127	amended	Ch. 555	SB 121
76-4-130	amended	Ch. 619	SB 532
76-4-136	amended	Ch. 377	SB 262
76-6-109	amended	Ch. 653	HB 411
76-8-101	amended (void — sec. 7, Ch. 589)	Ch. 187	HB 233
	amended (void — sec. 7, Ch. 589)	Ch. 486	HB 534
	amended	Ch. 589	SB 174
76-8-103	amended	Ch. 589	SB 174
76-8-107	amended	Ch. 272	HB 394
	amended	Ch. 589	SB 174
76-9-202	enacted	Ch. 750	HB 899
76-9-203	enacted	Ch. 750	HB 899
76-13-115	amended	Ch. 233	HB 130
76-13-121	amended	Ch. 635	HB 84
76-13-122	amended	Ch. 635	HB 84
76-13-150	amended	Ch. 194	HB 127
76-13-152	enacted	Ch. 194	HB 127
76-13-201	amended	Ch. 655	HB 421
76-13-401	amended	Ch. 31	HB 79
76-13-408	amended	Ch. 31	HB 79
76-13-418	amended	Ch. 53	HB 112
76-13-901	enacted	Ch. 635	HB 84
76-13-902	enacted	Ch. 635	HB 84
76-13-903	enacted	Ch. 635	HB 84
76-13-904	enacted	Ch. 635	HB 84
76-13-905	enacted	Ch. 635	HB 84
76-13-906	enacted	Ch. 635	HB 84
76-13-907	enacted	Ch. 635	HB 84
76-13-908	enacted	Ch. 635	HB 84
76-15-1002	enacted	Ch. 585	SB 77
76-15-1004	repealed	Ch. 585	SB 77
76-15-1005	amended	Ch. 585	SB 77
76-15-1006	amended	Ch. 585	SB 77
76-15-1011	amended	Ch. 585	SB 77
76-15-1012	amended	Ch. 585	SB 77
76-15-1015	enacted	Ch. 585	SB 77
76-25-103	amended	Ch. 187	HB 233
	amended	Ch. 376	SB 252
	amended	Ch. 555	SB 121
76-25-104	amended	Ch. 555	SB 121
76-25-106	amended	Ch. 555	SB 121
76-25-301	amended	Ch. 369	SB 214
	amended	Ch. 555	SB 121
76-25-303	amended	Ch. 376	SB 252
	amended	Ch. 591	SB 243
	amended	Ch. 682	HB 492
76-25-305	amended	Ch. 555	SB 121
76-25-307	amended	Ch. 272	HB 394
76-25-408	amended	Ch. 555	SB 121
76-25-410	amended	Ch. 555	SB 121
76-25-411	amended	Ch. 187	HB 233
76-25-503	amended	Ch. 555	SB 121
77-1-820	repealed	Ch. 460	HB 562

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77-1-902	amended	Ch. 376	SB 252
	amended	Ch. 757	HB 931
77-2-101	amended	Ch. 435	HB 299
77-2-102	amended	Ch. 435	HB 299
77-2-105	amended	Ch. 435	HB 299
77-2-366	repealed	Ch. 460	HB 562
77-3-102	amended	Ch. 617	SB 520
77-3-117	amended	Ch. 617	SB 520
77-3-130	amended	Ch. 617	SB 520
77-3-203	amended	Ch. 617	SB 520
77-3-211	amended	Ch. 617	SB 520
77-3-212	enacted	Ch. 617	SB 520
77-6-203	amended	Ch. 32	HB 80
77-6-501	amended	Ch. 32	HB 80
77-6-506	amended	Ch. 32	HB 80
80-3-302	amended	Ch. 344	SB 161
80-6-114	amended	Ch. 701	HB 624
80-6-1101	repealed 7/1/2026	Ch. 426	HB 171
80-6-1102	amended	Ch. 426	HB 171
80-6-1103	repealed 7/1/2026	Ch. 426	HB 171
80-6-1104	repealed 7/1/2026	Ch. 426	HB 171
80-6-1105	repealed 7/1/2026	Ch. 426	HB 171
80-6-1106	amended	Ch. 426	HB 171
80-6-1107	repealed 7/1/2026	Ch. 426	HB 171
80-6-1108	repealed 7/1/2026	Ch. 426	HB 171
80-6-1109	amended	Ch. 426	HB 171
80-6-1110	repealed 7/1/2026	Ch. 426	HB 171
80-6-1111	amended	Ch. 426	HB 171
80-6-1112	repealed 7/1/2026	Ch. 426	HB 171
80-7-1014	amended	Ch. 430	HB 242
80-11-301	repealed 7/1/2026	Ch. 426	HB 171
80-11-302	repealed 7/1/2026	Ch. 426	HB 171
80-11-303	repealed 7/1/2026	Ch. 426	HB 171
80-11-304	repealed 7/1/2026	Ch. 426	HB 171
80-11-305	repealed 7/1/2026	Ch. 426	HB 171
80-11-307	repealed	Ch. 426	HB 171
80-11-308	repealed	Ch. 426	HB 171
80-11-309	repealed 7/1/2026	Ch. 426	HB 171
80-11-310	repealed 7/1/2026	Ch. 426	HB 171
80-11-311	repealed 7/1/2026	Ch. 426	HB 171
80-11-312	repealed 7/1/2026	Ch. 426	HB 171
80-11-313	repealed 7/1/2026	Ch. 426	HB 171
80-11-601	amended	Ch. 245	HB 269
80-11-602	amended	Ch. 245	HB 269
81-1-110	amended	Ch. 649	HB 356
81-2-501	amended	Ch. 53	HB 112
	amended	Ch. 576	SB 414
81-2-502	amended	Ch. 576	SB 414
81-2-511	amended	Ch. 576	SB 414
81-3-211	amended	Ch. 220	SB 80
81-3-215	repealed	Ch. 221	SB 79
81-3-232	repealed	Ch. 221	SB 79
81-7-303	amended	Ch. 529	HB 767
81-7-603	amended	Ch. 529	HB 767

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81-7-701	enacted	Ch. 529	HB 767
81-7-702	enacted	Ch. 529	HB 767
81-7-703	enacted	Ch. 529	HB 767
81-7-704	enacted	Ch. 529	HB 767
81-7-705	enacted	Ch. 529	HB 767
81-9-112	amended	Ch. 222	SB 78
81-9-201	amended	Ch. 53	HB 112
81-9-217	amended	Ch. 276	HB 401
81-9-218	amended	Ch. 53	HB 112
81-9-240	amended	Ch. 53	HB 112
82-1-601	amended	Ch. 116	HB 257
82-1-602	amended	Ch. 116	HB 257
82-4-203	amended	Ch. 464	HB 587
82-4-206	amended	Ch. 703	HB 633
82-4-222	amended	Ch. 464	HB 587
82-4-231	amended	Ch. 203	SB 365
	amended	Ch. 703	HB 633
82-4-232	amended	Ch. 326	HB 616
82-4-251	amended	Ch. 201	SB 368
82-4-254	amended	Ch. 201	SB 368
82-4-303	amended	Ch. 504	HB 699
82-4-305	amended	Ch. 634	HB 69
82-4-311	amended	Ch. 634	HB 69
82-4-316	enacted	Ch. 634	HB 69
82-4-331	amended	Ch. 634	HB 69
82-4-332	amended	Ch. 634	HB 69
82-4-335	amended	Ch. 504	HB 699
	amended	Ch. 634	HB 69
82-4-337	amended	Ch. 504	HB 699
82-4-339	amended	Ch. 634	HB 69
82-4-340	amended	Ch. 513	HB 717
82-4-341	amended	Ch. 513	HB 717
82-4-342	amended	Ch. 634	HB 69
82-4-343	amended	Ch. 634	HB 69
82-4-377	amended	Ch. 504	HB 699
82-4-380	amended	Ch. 504	HB 699
82-11-161	amended	Ch. 572	SB 339
85-1-203	amended	Ch. 460	HB 562
85-1-320	enacted	Ch. 775	HB 924
85-1-501	amended	Ch. 460	HB 562
	amended	Ch. 625	SB 553
85-1-612	amended	Ch. 629	HB 6
85-1-631	amended	Ch. 775	HB 924
85-2-102	amended	Ch. 347	SB 178
	amended	Ch. 708	HB 681
85-2-156	enacted	Ch. 12	SB 61
85-2-157	enacted	Ch. 62	SB 55
85-2-306	amended	Ch. 708	HB 681
85-2-307	amended	Ch. 13	SB 76
85-2-309	amended	Ch. 679	HB 432
85-2-311	amended	Ch. 171	SB 190
85-2-313	amended	Ch. 453	HB 441
85-2-315	amended	Ch. 453	HB 441
85-2-316	amended	Ch. 204	SB 357
85-2-320	amended	Ch. 171	SB 190

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85-2-331	amended	Ch. 204	SB 357
85-2-360	amended	Ch. 171	SB 190
85-2-382	enacted	Ch. 759	HB 935
85-2-402	amended	Ch. 171	SB 190
	amended	Ch. 453	HB 441
	amended	Ch. 679	HB 432
85-2-404	amended	Ch. 347	SB 178
	amended	Ch. 497	HB 580
85-2-407	amended	Ch. 171	SB 190
	amended	Ch. 679	HB 432
85-2-408	amended	Ch. 171	SB 190
85-2-428	enacted	Ch. 347	SB 178
85-2-429	enacted	Ch. 679	HB 432
85-15-107	amended	Ch. 197	HB 48
87-1-201	amended	Ch. 89	HB 175
87-1-213	enacted	Ch. 433	HB 264
87-1-217	amended	Ch. 333	HB 648
	amended	Ch. 649	HB 356
87-1-246	amended	Ch. 676	HB 372
87-1-262	enacted	Ch. 402	SB 441
87-1-265	amended	Ch. 527	HB 763
87-1-266	amended	Ch. 359	SB 148
87-1-298	enacted	Ch. 563	SB 238
87-1-301	amended	Ch. 219	SB 83
87-1-304	amended	Ch. 616	SB 514
	amended	Ch. 748	HB 897
87-1-601	amended	Ch. 563	SB 238
87-1-603	amended	Ch. 421	HB 87
87-1-626	enacted	Ch. 540	HB 855
87-1-627	enacted	Ch. 540	HB 855
87-1-630	enacted	Ch. 563	SB 238
87-1-901	amended	Ch. 432	HB 259
87-2-101	amended	Ch. 748	HB 897
87-2-105	amended	Ch. 44	HB 96
	amended	Ch. 729	HB 817
87-2-113	amended	Ch. 85	HB 146
87-2-116	amended	Ch. 670	HB 145
87-2-201	amended	Ch. 748	HB 897
87-2-202	amended	Ch. 748	HB 897
87-2-401	amended	Ch. 676	HB 372
87-2-402	amended	Ch. 676	HB 372
87-2-405	amended	Ch. 676	HB 372
87-2-411	amended	Ch. 85	HB 146
87-2-505	amended	Ch. 676	HB 372
87-2-510	amended	Ch. 676	HB 372
87-2-511	amended	Ch. 676	HB 372
87-2-513	amended	Ch. 359	SB 148
87-2-516	amended	Ch. 359	SB 148
	amended	Ch. 373	SB 235
87-2-520	amended	Ch. 44	HB 96
87-2-530	enacted	Ch. 748	HB 897
87-2-702	amended	Ch. 460	HB 562
87-2-705	amended	Ch. 359	SB 148
	amended	Ch. 373	SB 235
87-2-711	amended	Ch. 676	HB 372

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87-2-714	amended	Ch. 359	SB 148
87-2-735	amended	Ch. 359	SB 148
87-2-801	amended	Ch. 259	HB 328
87-2-805	amended	Ch. 729	HB 817
87-2-810	amended	Ch. 44	HB 96
87-2-815	amended	Ch. 253	HB 307
87-2-817	amended	Ch. 185	HB 244
87-2-821	enacted	Ch. 260	HB 330
87-2-822	enacted	Ch. 260	HB 330
87-2-903	amended	Ch. 563	SB 238
87-3-126	amended	Ch. 553	SB 106
87-3-602	amended	Ch. 291	HB 450
87-3-604	amended	Ch. 291	HB 450
87-4-201	amended	Ch. 50	HB 107
87-4-302	amended	Ch. 50	HB 107
87-4-502	amended	Ch. 82	HB 106
87-4-503	amended	Ch. 82	HB 106
87-4-522	amended	Ch. 82	HB 106
87-4-523	repealed	Ch. 82	HB 106
87-4-524	amended	Ch. 82	HB 106
87-4-525	amended	Ch. 82	HB 106
87-4-601	repealed	Ch. 39	HB 74
87-4-603	amended	Ch. 39	HB 74
87-4-606	amended	Ch. 39	HB 74
87-4-607	amended	Ch. 39	HB 74
87-4-802	amended	Ch. 50	HB 107
87-4-803	amended	Ch. 50	HB 107
87-4-902	amended	Ch. 49	HB 105
87-4-904	amended	Ch. 49	HB 105
87-4-905	amended	Ch. 49	HB 105
87-4-906	amended	Ch. 49	HB 105
87-4-912	amended	Ch. 49	HB 105
87-4-1004	amended	Ch. 50	HB 107
87-5-131	amended	Ch. 459	HB 554
87-5-704	amended	Ch. 50	HB 107
87-5-705	amended	Ch. 50	HB 107
87-5-801	amended	Ch. 758	HB 932
87-5-802	amended	Ch. 758	HB 932
87-5-803	amended	Ch. 758	HB 932
87-5-804	amended	Ch. 758	HB 932
87-5-806	amended	Ch. 758	HB 932
87-5-808	amended	Ch. 758	HB 932
87-5-811	enacted	Ch. 758	HB 932
87-5-812	enacted	Ch. 758	HB 932
87-5-813	enacted	Ch. 758	HB 932
87-5-814	enacted	Ch. 758	HB 932
87-6-202	amended	Ch. 39	HB 74
87-6-206	amended	Ch. 39	HB 74
87-6-207	amended	Ch. 47	HB 99
87-6-208	amended	Ch. 553	SB 106
87-6-214	amended	Ch. 188	HB 219
87-6-304	amended	Ch. 46	HB 98
87-6-305	amended	Ch. 46	HB 98
87-6-602	amended	Ch. 43	HB 95
87-6-706	amended	Ch. 82	HB 106

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87-6-707	amended	Ch. 39	HB 74
90-1-110	enacted	Ch. 442	HB 346
90-1-115	repealed	Ch. 704	HB 641
90-1-122	repealed	Ch. 605	SB 409
90-1-154	enacted	Ch. 19	SB 320
90-1-155	enacted	Ch. 19	SB 320
90-1-156	enacted	Ch. 19	SB 320
90-1-157	enacted	Ch. 19	SB 320
90-1-158	enacted	Ch. 19	SB 320
90-1-159	enacted	Ch. 19	SB 320
90-1-182	amended	Ch. 460	HB 562
90-1-206	enacted	Ch. 442	HB 346
90-1-505	enacted	Ch. 442	HB 346
90-3-1301	amended	Ch. 625	SB 553
90-4-602	amended	Ch. 241	HB 217
	amended	Ch. 419	HB 47
90-4-605	amended (replaced — sec. 9, Ch. 241)	Ch. 241	HB 217
	amended (replaced — sec. 9, Ch. 241)	Ch. 419	HB 47
90-4-606	amended	Ch. 419	HB 47
90-4-607	amended (replaced — sec. 10, Ch. 241)	Ch. 241	HB 217
	amended (replaced — sec. 10, Ch. 241)	Ch. 419	HB 47
90-4-611	repealed	Ch. 419	HB 47
90-4-612	repealed	Ch. 419	HB 47
90-4-613	amended	Ch. 419	HB 47
90-4-614	amended	Ch. 419	HB 47
90-4-615	amended	Ch. 241	HB 217
	amended	Ch. 419	HB 47
90-4-616	amended	Ch. 241	HB 217
	amended	Ch. 419	HB 47
90-4-617	amended	Ch. 241	HB 217
	amended	Ch. 419	HB 47
90-4-619	enacted	Ch. 241	HB 217
90-4-625	amended	Ch. 419	HB 47
90-4-1302	amended	Ch. 84	HB 120
	amended	Ch. 406	SB 458
90-4-1304	amended	Ch. 406	SB 458
90-4-1305	amended	Ch. 406	SB 458
90-4-1306	amended	Ch. 406	SB 458
90-4-1307	amended	Ch. 406	SB 458
90-5-101	amended	Ch. 158	SB 104
	amended	Ch. 334	HB 650
90-6-137	amended	Ch. 775	HB 924
90-6-150	enacted	Ch. 775	HB 924
90-6-151	enacted	Ch. 442	HB 346
90-6-403	amended	Ch. 658	HB 483
90-6-508	enacted	Ch. 442	HB 346
90-6-603	amended	Ch. 775	HB 924
90-6-606	enacted	Ch. 442	HB 346
90-7-102	amended	Ch. 158	SB 104
90-7-104	amended	Ch. 158	SB 104
90-7-201	amended	Ch. 330	HB 632
90-7-225	amended	Ch. 158	SB 104
90-7-229	amended	Ch. 158	SB 104
90-7-302	amended	Ch. 158	SB 104
90-14-103	amended	Ch. 337	HB 656

SESSION LAWS AFFECTED

Laws Affected	Action	Chapter No.	Bill No.
Laws of 2009			
Ch. 433, sec. 7	amended	Ch. 599	SB 333
Ch. 442, sec. 5	amended	Ch. 181	HB 308
Laws of 2015			
Ch. 352, sec. 1	amended	Ch. 599	SB 333
Ch. 368, sec. 28	repealed	Ch. 35	HB 245
Ch. 387, sec. 5	amended	Ch. 181	HB 308
Ch. 387, sec. 5	amended	Ch. 196	HB 58
Ch. 423, sec. 6	repealed	Ch. 235	HB 166
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Ch. 144	SB 256	10/01/2025
Ch. 145	SB 251	10/01/2025
Ch. 146	SB 249	04/16/2025
Ch. 147	SB 248	10/01/2025
Ch. 148	SB 236	10/01/2025
Ch. 149	SB 233	Effective on the date that the compact has been legislatively enacted into law by the seventh

Chapter No.	Bill No.	Effective Date
		member state. The department of labor and industry shall notify the code commissioner within 15 days of the occurrence of the contingency.
Ch. 150	SB 212	04/16/2025
Ch. 151	SB 211	04/16/2025
Ch. 152	SB 208	10/01/2025
Ch. 153	SB 206	07/01/2025
Ch. 154	SB 175	10/01/2025
Ch. 155	SB 132	10/01/2025
Ch. 156	SB 110	10/01/2025
Ch. 157	SB 109	10/01/2025
Ch. 158	SB 104	04/16/2025
Ch. 159	SB 64	04/16/2025
Ch. 160	SB 37	07/01/2025
Ch. 161	SB 36	10/01/2025
Ch. 162	SB 35	07/01/2025
Ch. 163	SB 34	07/01/2025
Ch. 164	SB 33	10/01/2025
Ch. 165	SB 29	10/01/2025
Ch. 166	SB 12	10/01/2025
Ch. 167	SB 9	04/16/2025
Ch. 168	SB 5	07/01/2025
Ch. 169	SB 200	10/01/2025
Ch. 170	SB 198	07/01/2025
Ch. 171	SB 190	10/01/2025
Ch. 172	SB 165	10/01/2025
Ch. 173	SB 162	04/17/2025
Ch. 174	SB 143	10/01/2025
Ch. 175	SB 137	04/17/2025
Ch. 176	SB 134	04/17/2025
Ch. 177	SB 124	10/01/2025
Ch. 178	SB 113	10/01/2025
Ch. 179	SB 101	10/01/2025
Ch. 180	SB 10	04/17/2025
Ch. 181	HB 308	10/01/2025
Ch. 182	HB 279	10/01/2025
Ch. 183	HB 261	10/01/2025
Ch. 184	HB 248	04/17/2025
Ch. 185	HB 244	10/01/2025
Ch. 186	HB 234	04/17/2025
Ch. 187	HB 233	04/17/2025
Ch. 188	HB 219	10/01/2025
Ch. 189	HB 189	07/01/2025
Ch. 190	HB 186	07/01/2025

Chapter No.	Bill No.	Effective Date
Ch. 191	HB 179	04/17/2025
Ch. 192	HB 173	04/17/2025
Ch. 193	HB 135	10/01/2025
Ch. 194	HB 127	04/17/2025
Ch. 195	HB 88	04/17/2025
Ch. 196	HB 58	07/01/2025
Ch. 197	HB 48	10/01/2025
Ch. 198	SB 495	04/17/2025
Ch. 199	SB 488	04/17/2025
Ch. 200	SB 426	10/01/2025
Ch. 201	SB 368	04/17/2025
Ch. 202	SB 366	10/01/2025
Ch. 203	SB 365	04/17/2025
Ch. 204	SB 357	04/17/2025
Ch. 205	SB 341	10/01/2025
Ch. 206	SB 328	04/17/2025
Ch. 207	SB 315	01/01/2026
Ch. 208	SB 310	07/01/2025
Ch. 209	SB 309	10/01/2025
Ch. 210	SB 306	10/01/2025
Ch. 211	SB 305	10/01/2025
Ch. 212	SB 288	10/01/2025
Ch. 213	SB 275	10/01/2025
Ch. 214	SB 242	04/17/2025
Ch. 215	SB 241	04/17/2025
Ch. 216	SB 228	07/01/2025
Ch. 217	SB 184	10/01/2025
Ch. 218	SB 115	04/17/2025
Ch. 219	SB 83	04/17/2025
Ch. 220	SB 80	04/17/2025
Ch. 221	SB 79	04/17/2025
Ch. 222	SB 78	04/17/2025
Ch. 223	SB 58	04/17/2025
Ch. 224	SB 23	04/17/2025
Ch. 225	SB 11	04/17/2025
Ch. 226	HB 267	10/01/2025
Ch. 227 §§ 4-7	HB 337	10/01/2025
§§ 1 and 3	HB 337	01/01/2026
§ 2	HB 337	01/01/2027
Ch. 228	HB 102	10/01/2025
Ch. 229	HB 114	01/01/2026
Ch. 230	HB 122	10/01/2025
Ch. 231	HB 123	10/01/2025
Ch. 232	HB 126	05/01/2025
Ch. 233	HB 130	05/01/2025
Ch. 234	HB 141	06/01/2025
Ch. 235	HB 166	05/01/2025

Chapter No.	Bill No.	Effective Date
Ch. 236	HB 180	10/01/2025
Ch. 237	HB 184	10/01/2025
Ch. 238	HB 193	05/01/2025
Ch. 239	HB 201	05/01/2025
Ch. 240	HB 208	10/01/2025
Ch. 241	HB 217	07/01/2025
Ch. 242	HB 226	07/01/2025
Ch. 243	HB 251	07/01/2025
Ch. 244	HB 266	07/01/2025
Ch. 245	HB 269	10/01/2025
Ch. 246	HB 270	05/01/2025
Ch. 247	HB 276	10/01/2025
Ch. 248	HB 285	05/01/2025
Ch. 249	HB 291	05/01/2025
Ch. 250	HB 292	05/01/2025
Ch. 251	HB 293	05/01/2025
Ch. 252	HB 296	10/01/2025
Ch. 253	HB 307	10/01/2025
Ch. 254	HB 311	10/01/2025
Ch. 255	HB 312	10/01/2025
Ch. 256	HB 318	10/01/2025
Ch. 257	HB 324	10/01/2025
Ch. 258	HB 325	10/01/2025
Ch. 259	HB 328	10/01/2025
Ch. 260	HB 330	10/01/2025
Ch. 261	HB 333	10/01/2025
Ch. 262	HB 336	10/01/2025
Ch. 263	HB 342	05/01/2025
Ch. 264	HB 344	10/01/2025
Ch. 265	HB 352	10/01/2025
Ch. 266	HB 367	10/01/2025
Ch. 267	HB 380	05/01/2025
Ch. 268	HB 387	07/01/2025
Ch. 269	HB 388	05/01/2025
Ch. 270	HB 391	10/01/2025
Ch. 271	HB 393	10/01/2025
Ch. 272	HB 394	10/01/2025
Ch. 273	HB 397	10/01/2025
Ch. 274	HB 398	01/01/2026
Ch. 275	HB 400	05/01/2025
Ch. 276	HB 401	10/01/2025
Ch. 277	HB 403	10/01/2025
Ch. 278	HB 413	05/01/2025
Ch. 279	HB 414	10/01/2025
Ch. 280	HB 415	10/01/2025
Ch. 281	HB 423	05/01/2025
Ch. 282	HB 428	10/01/2025

Chapter No.	Bill No.	Effective Date
Ch. 283	HB 430	10/01/2025
Ch. 284	HB 435	10/01/2025
Ch. 285	HB 438	01/01/2026
Ch. 286	HB 442	10/01/2025
Ch. 287	HB 443	10/01/2025
Ch. 288	HB 447	Effective on the date that the compact has been legislatively enacted into law by the seventh member state. The department of labor and industry shall notify the code commissioner within 15 days of the occurrence of the contingency.
Ch. 289	HB 448	05/01/2025
Ch. 290	HB 449	07/01/2025
Ch. 291	HB 450	10/01/2025
Ch. 292	HB 454	05/01/2025
Ch. 293	HB 455	05/01/2025
Ch. 294	HB 458	05/01/2025
Ch. 295	HB 463	10/01/2025
Ch. 296	HB 464	05/01/2025
Ch. 297	HB 466	05/01/2025
Ch. 298	HB 467	10/01/2025
Ch. 299	HB 468	05/01/2025
Ch. 300	HB 471	07/01/2025
Ch. 301	HB 473	05/01/2025
Ch. 302	HB 474	05/01/2025
Ch. 303	HB 475	10/01/2025
Ch. 304	HB 476	07/01/2025
Ch. 305	HB 486	10/01/2025
Ch. 306	HB 487	10/01/2025
Ch. 307	HB 491	07/01/2025
Ch. 308	HB 493	10/01/2025
Ch. 309	HB 496	10/01/2025
Ch. 310	HB 502	01/01/2026
Ch. 311	HB 503	10/01/2025
Ch. 312	HB 504	07/01/2025
Ch. 313	HB 509	07/01/2025
Ch. 314	HB 520	10/01/2025
Ch. 315	HB 521	10/01/2025
Ch. 316	HB 523	10/01/2025
Ch. 317	HB 530	10/01/2025
Ch. 318	HB 531	05/01/2025
Ch. 319	HB 544	01/01/2026
Ch. 320	HB 591	07/01/2025

Chapter No.		Bill No.	Effective Date
Ch. 321		HB 595	07/01/2025
Ch. 322		HB 600	07/01/2025
Ch. 323		HB 603	05/01/2025
Ch. 324		HB 612	10/01/2025
Ch. 325		HB 614	10/01/2025
Ch. 326		HB 616	05/01/2025
Ch. 327		HB 625	10/01/2025
Ch. 328		HB 629	05/01/2025
Ch. 329		HB 631	05/01/2025
Ch. 330		HB 632	07/01/2025
Ch. 331		HB 638	10/01/2025
Ch. 332		HB 642	10/01/2025
Ch. 333		HB 648	10/01/2025
Ch. 334		HB 650	01/01/2028
Ch. 335		HB 651	05/01/2025
Ch. 336		HB 655	10/01/2025
Ch. 337		HB 656	10/01/2025
Ch. 338		HB 664	05/01/2025
Ch. 339		HB 671	05/01/2025
Ch. 340		HB 694	10/01/2025
Ch. 341		HB 710	05/01/2025
Ch. 342		SB 105	07/01/2025
Ch. 343		SB 111	10/01/2025
Ch. 344		SB 161	05/01/2025
Ch. 345		SB 163	10/01/2025
Ch. 346		SB 166	01/01/2026
Ch. 347		SB 178	10/01/2025
Ch. 348		SB 221	05/01/2025
Ch. 349		SB 487	05/01/2025
Ch. 350		SB 27	07/01/2025
Ch. 351		SB 30	10/01/2025
Ch. 352		SB 38	05/05/2025
Ch. 353	§§ 2-4	SB 41	05/05/2025
	§ 1	SB 41	10/01/2025
Ch. 354		SB 65	10/01/2025
Ch. 355		SB 67	10/01/2025
Ch. 356		SB 70	10/01/2025
Ch. 357		SB 97	10/01/2025
Ch. 358		SB 107	07/01/2025
Ch. 359		SB 148	03/01/2026
Ch. 360		SB 149	10/01/2025
Ch. 361		SB 154	05/05/2025
Ch. 362		SB 168	05/05/2025
Ch. 363		SB 177	05/05/2025
Ch. 364		SB 191	10/01/2025
Ch. 365		SB 193	10/01/2025
Ch. 366	§§ 1 and 3-6	SB 194	05/05/2025
	§ 2	SB 194	10/01/2025

Chapter No.	Bill No.	Effective Date
Ch. 367	SB 201	10/01/2025
Ch. 368	SB 213	10/01/2025
Ch. 369	SB 214	05/05/2025
Ch. 370	SB 217	10/01/2025
Ch. 371	SB 223	05/05/2025
Ch. 372	SB 227	10/01/2025
Ch. 373	SB 235	05/05/2025
Ch. 374	SB 245	07/01/2025
Ch. 375	SB 246	07/01/2025
Ch. 376	SB 252	10/01/2025
Ch. 377	SB 262	10/01/2025
Ch. 378	SB 264	10/01/2025
Ch. 379	SB 265	10/01/2025
Ch. 380	SB 271	05/05/2025
Ch. 381	SB 276	05/05/2025
Ch. 382	SB 282	10/01/2025
Ch. 383	SB 286	10/01/2025
Ch. 384	SB 289	10/01/2025
Ch. 385	SB 302	10/01/2025
Ch. 386	SB 330	05/05/2025
Ch. 387	SB 342	05/05/2025
Ch. 388	SB 344	05/06/2025
Ch. 389	SB 355	10/01/2025
Ch. 390	SB 360	05/05/2025
Ch. 391	SB 362	10/01/2025
Ch. 392	SB 369	07/01/2025
Ch. 393	SB 373	10/01/2025
Ch. 394	SB 375	05/05/2025
Ch. 395	SB 380	10/01/2025
Ch. 396	SB 392	05/05/2025
Ch. 397	SB 398	10/01/2025
Ch. 398	SB 404	10/01/2025
Ch. 399	SB 412	10/01/2025
Ch. 400	SB 428	10/01/2025
Ch. 401	SB 433	10/01/2025
Ch. 402	SB 441	10/01/2025
Ch. 403	SB 442	05/05/2025
Ch. 404	SB 444	05/05/2025
Ch. 405	SB 457	07/01/2025
Ch. 406	SB 458	10/01/2025
Ch. 407	SB 482	06/01/2025
Ch. 408	SB 486	07/01/2025
Ch. 409	SB 490	10/01/2025
Ch. 410	SB 493	05/05/2025
Ch. 411	SB 498	05/05/2025
Ch. 412	SB 508	10/01/2025
Ch. 413	SB 511	05/05/2025
Ch. 414	SB 516	10/01/2025

Chapter No.		Bill No.	Effective Date
Ch. 415		SB 518	01/01/2026
Ch. 416		HB 8	07/01/2025
Ch. 417		HB 26	05/05/2025
Ch. 418		HB 40	07/01/2025
Ch. 419		HB 47	07/01/2025
Ch. 420		HB 56	Effective on approval by the United States department of health and human services of all waivers and approvals necessary to implement the assessment fee and supplemental payments as provided in [§§ 1 through 15]. The department of public health and human services shall notify the code commissioner within 15 days of the occurrence of the contingency.
Ch. 421		HB 87	05/05/2025
Ch. 422		HB 125	05/05/2025
Ch. 423		HB 147	05/05/2025
Ch. 424		HB 156	07/01/2026
Ch. 425		HB 162	05/05/2025
Ch. 426	§§ 2-5, 7 and 8	HB 171	07/01/2025
	§§ 1 and 6	HB 171	07/01/2026
Ch. 427		HB 178	10/01/2025
Ch. 428		HB 194	05/05/2025
Ch. 429		HB 206	10/01/2025
Ch. 430		HB 242	10/01/2025
Ch. 431		HB 250	07/01/2025
Ch. 432		HB 259	09/29/2025
Ch. 433		HB 264	10/01/2025
Ch. 434		HB 280	10/01/2025
Ch. 435		HB 299	05/05/2025
Ch. 436		HB 317	05/05/2025
Ch. 437		HB 323	10/01/2025
Ch. 438		HB 332	10/01/2025
Ch. 439		HB 338	05/05/2025
Ch. 440		HB 341	10/01/2025
Ch. 441		HB 345	10/01/2025
Ch. 442		HB 346	07/01/2025
Ch. 443		HB 349	05/05/2025

Chapter No.	Bill No.	Effective Date
Ch. 444	HB 350	05/05/2025
Ch. 445	HB 351	07/01/2026
Ch. 446	HB 354	10/01/2025
Ch. 447	HB 355	10/01/2025
Ch. 448	HB 358	07/01/2025
Ch. 449	HB 359	07/01/2025
Ch. 450	HB 365	05/05/2025
Ch. 451	HB 384	05/05/2025
Ch. 452	HB 416	10/01/2025
Ch. 453	HB 441	10/01/2025
Ch. 454	HB 497	05/05/2025
Ch. 455	HB 535	10/01/2025
Ch. 456	HB 538	10/01/2025
Ch. 457	HB 539	05/06/2025
Ch. 458	HB 553	10/01/2025
Ch. 459	HB 554	10/01/2025
Ch. 460	HB 562	10/01/2025
Ch. 461	HB 572	05/05/2025
Ch. 462	HB 573	07/01/2025
Ch. 463	HB 578	10/01/2025
Ch. 464	HB 587	05/05/2025
Ch. 465	HB 601	10/01/2025
Ch. 466	HB 606	07/01/2025
Ch. 467	HB 611	10/01/2025
Ch. 468	HB 665	10/01/2025
Ch. 469	HB 672	01/01/2026
Ch. 470	HB 679	05/05/2025
Ch. 471	HB 687	10/01/2025
Ch. 472	HB 719	10/01/2025
Ch. 473	HB 726	10/01/2025
Ch. 474	HB 740	10/01/2025
Ch. 475	HB 808	10/01/2025
Ch. 476	HB 45	05/08/2025
Ch. 477 §§ 1-11 and 13-28	HB 62	07/01/2025
§ 12	HB 62	07/01/2026
Ch. 478	HB 70	05/08/2025
Ch. 479 §§ 1 and 4-6	HB 100	10/01/2025
§§ 2 and 3	HB 100	07/01/2026
Ch. 480	HB 192	10/01/2025
Ch. 481	HB 225	01/01/2026
Ch. 482	HB 252	05/08/2025
Ch. 483	HB 427	10/01/2025
Ch. 484	HB 532	10/01/2025
Ch. 485	HB 533	10/01/2025
Ch. 486	HB 534	10/01/2025
Ch. 487	HB 543	05/08/2025
Ch. 488	HB 549	07/01/2025

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Ch. 489		HB 561	10/01/2025
Ch. 490		HB 563	05/08/2025
Ch. 491		HB 566	10/01/2025
Ch. 492		HB 567	07/01/2025
Ch. 493		HB 568	05/08/2025
Ch. 494		HB 571	10/01/2025
Ch. 495		HB 574	05/08/2025
Ch. 496		HB 576	10/01/2025
Ch. 497		HB 580	10/01/2025
Ch. 498		HB 582	07/01/2025
Ch. 499		HB 589	05/08/2025
Ch. 500		HB 636	07/01/2026
Ch. 501		HB 668	05/08/2025
Ch. 502		HB 693	10/01/2025
Ch. 503		HB 696	05/08/2025
Ch. 504		HB 699	05/08/2025
Ch. 505		HB 703	10/01/2025
Ch. 506		HB 707	10/01/2025
Ch. 507		HB 708	10/01/2025
Ch. 508		HB 711	10/01/2025
Ch. 509		HB 712	10/01/2025
Ch. 510		HB 713	10/01/2025
Ch. 511		HB 714	05/08/2025
Ch. 512		HB 716	05/08/2025
Ch. 513		HB 717	05/08/2025
Ch. 514		HB 718	05/08/2025
Ch. 515		HB 720	10/01/2025
Ch. 516		HB 721	10/01/2025
Ch. 517		HB 723	10/01/2025
Ch. 518		HB 732	05/08/2025
Ch. 519		HB 735	05/08/2025
Ch. 520		HB 736	05/08/2025
Ch. 521		HB 739	10/01/2025
Ch. 522		HB 742	01/01/2026
Ch. 523		HB 743	10/01/2025
Ch. 524	§§ 1 and 3-4	HB 744	05/08/2025
	§ 2	HB 744	Effective 30 days after the date of the final adoption of rules to implement the provisions of [§ 1(4) and (5)] by the board of speech-language pathologists and audiologists.
Ch. 525		HB 752	10/01/2025
Ch. 526		HB 759	10/01/2025
Ch. 527		HB 763	10/01/2025
Ch. 528		HB 764	10/01/2025

Chapter No.	Bill No.	Effective Date
Ch. 529	HB 767	10/01/2025
Ch. 530	HB 785	05/08/2025
Ch. 531	HB 791	10/01/2025
Ch. 532	HB 792	07/01/2026
Ch. 533	HB 793	05/08/2025
Ch. 534	HB 796	10/01/2025
Ch. 535	HB 804	10/01/2025
Ch. 536	HB 806	10/01/2025
Ch. 537	HB 809	10/01/2025
Ch. 538	HB 823	10/01/2025
Ch. 539	HB 825	10/01/2025
Ch. 540	HB 855	05/08/2025
Ch. 541	SB 25	10/01/2025
Ch. 542	SB 39	10/01/2025
Ch. 543	SB 46	05/08/2025
Ch. 544	SB 48	10/01/2025
Ch. 545	SB 53	05/08/2025
Ch. 546	SB 56	07/01/2025
Ch. 547	SB 57	05/08/2025
Ch. 548	SB 60	10/01/2025
Ch. 549	SB 71	07/01/2025
Ch. 550 §§ 1, 8 and 9	SB 74	05/08/2025
§§ 2-7	SB 74	10/01/2025
Ch. 551	SB 91	10/01/2025
Ch. 552	SB 95	07/01/2025
Ch. 553	SB 106	10/01/2025
Ch. 554	SB 117	10/01/2025
Ch. 555	SB 121	05/08/2025
Ch. 556	SB 133	10/01/2025
Ch. 557	SB 181	07/01/2025
Ch. 558	SB 182	07/01/2025
Ch. 559	SB 183	05/08/2025
Ch. 560	SB 218	07/01/2025
Ch. 561	SB 224	10/01/2025
Ch. 562	SB 237	10/01/2025
Ch. 563	SB 238	07/01/2025
Ch. 564	SB 247	10/01/2025
Ch. 565	SB 257	05/08/2025
Ch. 566	SB 296	10/01/2025
Ch. 567	SB 297	10/01/2025
Ch. 568	SB 300	10/01/2025
Ch. 569	SB 303	07/01/2025
Ch. 570	SB 311	07/01/2025
Ch. 571	SB 317	10/01/2025
Ch. 572	SB 339	07/01/2025
Ch. 573	SB 364	10/01/2025
Ch. 574	SB 390	05/08/2025

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Ch. 575		SB 402	10/01/2025
Ch. 576		SB 414	10/01/2025
Ch. 577		SB 449	10/01/2025
Ch. 578		SB 464	10/01/2025
Ch. 579		SB 466	10/01/2025
Ch. 580		SB 471	10/01/2025
Ch. 581		SB 503	10/01/2025
Ch. 582		SB 544	05/08/2025
Ch. 583		SB 19	07/01/2025
Ch. 584		SB 69	05/13/2025
Ch. 585		SB 77	10/01/2025
Ch. 586		SB 93	01/01/2026
Ch. 587		SB 103	10/01/2025
Ch. 588		SB 147	05/13/2025
Ch. 589		SB 174	10/01/2025
Ch. 590		SB 226	05/13/2025
Ch. 591		SB 243	10/01/2026
Ch. 592	§§ 5-7	SB 253	07/01/2025
	§§ 1-4	SB 253	10/01/2025
Ch. 593		SB 260	05/13/2025
Ch. 594	§§ 3-5	SB 278	05/13/2025
	§§ 1 and 2	SB 278	07/01/2025
Ch. 595		SB 301	05/13/2025
Ch. 596		SB 316	05/13/2025
Ch. 597		SB 319	01/01/2026
Ch. 598		SB 326	05/13/2025
Ch. 599		SB 333	05/13/2025
Ch. 600		SB 335	06/01/2025
Ch. 601		SB 337	10/01/2025
Ch. 602		SB 348	10/01/2025
Ch. 603		SB 350	05/13/2025
Ch. 604		SB 393	05/13/2025
Ch. 605	§§ 4, 5, and 7	SB 409	05/13/2025
	§§ 1-3 and 6	SB 409	07/01/2025
Ch. 606		SB 413	05/13/2025
Ch. 607		SB 429	05/13/2025
Ch. 608		SB 430	05/13/2025
Ch. 609		SB 435	10/01/2025
Ch. 610		SB 440	10/01/2025
Ch. 611		SB 446	10/01/2025
Ch. 612		SB 447	10/01/2025
Ch. 613		SB 468	07/01/2025
Ch. 614		SB 492	10/01/2025
Ch. 615		SB 497	05/13/2025
Ch. 616		SB 514	03/01/2026
Ch. 617		SB 520	05/13/2025
Ch. 618		SB 524	10/01/2025

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Ch. 619		SB	532	10/01/2025
Ch. 620		SB	534	07/01/2025
Ch. 621		SB	535	05/13/2025
Ch. 622		SB	545	05/13/2025
Ch. 623		SB	550	05/13/2025
Ch. 624		SB	552	10/01/2025
Ch. 625		SB	553	05/13/2025
Ch. 626		SB	555	10/01/2025
Ch. 627		SB	560	01/01/2027
Ch. 628		SB	564	10/01/2025
Ch. 629		HB	6	07/01/2025
Ch. 630		HB	7	07/01/2025
Ch. 631		HB	31	05/12/2025
Ch. 632		HB	55	07/01/2025
Ch. 633		HB	59	10/01/2025
Ch. 634		HB	69	07/01/2025
Ch. 635	§§ 1-4, 6-10, and 12-14	HB	84	05/12/2025
	§§ 5 and 11	HB	84	Effective after legislative appropriation of funds to the prescribed fire manager certification claims special revenue account in [§ 7]. The department shall submit certification of the appropriation to the code commissioner within 15 days of the occurrence of contingency.
Ch. 636	§§ 6-9, 11 and 12	HB	85	05/12/2025
	§§ 1-5 and 10	HB	85	07/01/2025
Ch. 637		HB	86	05/12/2025
Ch. 638		HB	129	01/01/2026
Ch. 639		HB	137	05/12/2025
Ch. 640		HB	140	10/01/2025
Ch. 641		HB	153	05/12/2025
Ch. 642		HB	161	07/01/2025
Ch. 643		HB	207	05/12/2025
Ch. 644		HB	239	01/01/2026
Ch. 645		HB	281	05/12/2025
Ch. 646		HB	284	07/01/2025
Ch. 647		HB	343	07/01/2025
Ch. 648		HB	348	05/16/2025
Ch. 649		HB	356	07/01/2025
Ch. 650		HB	392	10/01/2025
Ch. 651		HB	396	10/01/2025
Ch. 652		HB	406	10/01/2025

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Ch. 653		HB 411	10/01/2025
Ch. 654		HB 419	07/01/2025
Ch. 655		HB 421	07/01/2025
Ch. 656		HB 444	05/12/2025
Ch. 657		HB 446	07/01/2025
Ch. 658		HB 483	05/13/2025
Ch. 659		HB 545	10/01/2025
Ch. 660	§§ 1 and 3-5	HB 627	07/01/2025
	§ 2	HB 627	07/01/2026
Ch. 661		HB 692	05/13/2025
Ch. 662	§§ 1-4, 6 and 7	HB 940	05/13/2025
	§ 5	HB 940	07/01/2025
Ch. 663		HB 953	07/01/2025
Ch. 664		HB 9	07/01/2025
Ch. 665		HB 10	07/01/2025
Ch. 666		HB 11	07/01/2025
Ch. 667		HB 12	07/01/2025
Ch. 668		HB 76	10/01/2025
Ch. 669		HB 117	05/13/2025
Ch. 670		HB 145	10/01/2025
Ch. 671	§§ 6-9	HB 151	05/13/2025
	§§ 1-5	HB 151	07/01/2025
Ch. 672		HB 168	07/01/2025
Ch. 673		HB 228	06/30/2025
Ch. 674	§§ 7, 9-11, 14, and 21-34	HB 231	05/13/2025
	§§ 1-6, 13, and 15-20	HB 231	01/01/2026
	§§ 8 and 12	HB 231	Effective on the date that the department of revenue certifies to the code commissioner that a court of final disposition finds that [§ 7] is invalid. The department of revenue shall submit certification within 30 days of the occurrence of the contingency.
Ch. 675		HB 329	05/13/2025
Ch. 676		HB 372	03/01/2026
Ch. 677		HB 381	07/01/2025
Ch. 678		HB 424	05/13/2025
Ch. 679		HB 432	10/01/2025
Ch. 680		HB 480	05/13/2025
Ch. 681		HB 490	05/13/2025
Ch. 682		HB 492	10/01/2026
Ch. 683		HB 495	10/01/2025
Ch. 684		HB 505	05/13/2025

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Ch. 685		HB 513	01/01/2026
Ch. 686		HB 514	10/01/2025
Ch. 687	§§ 12-13	HB 515	05/13/2025
	§§ 1-11	HB 515	07/01/2025
Ch. 688		HB 516	07/01/2025
Ch. 689		HB 527	10/01/2025
Ch. 690		HB 575	07/01/2025
Ch. 691		HB 584	10/01/2025
Ch. 692		HB 586	10/01/2025
Ch. 693		HB 588	10/01/2025
Ch. 694		HB 590	07/01/2026
Ch. 695		HB 592	05/13/2025
Ch. 696		HB 599	10/01/2025
Ch. 697		HB 602	07/01/2025
Ch. 698		HB 620	01/01/2026
Ch. 699		HB 621	10/01/2025
Ch. 700		HB 623	05/13/2025
Ch. 701		HB 624	10/01/2025
Ch. 702		HB 626	10/01/2025
Ch. 703		HB 633	05/13/2025
Ch. 704		HB 641	12/31/2025
Ch. 705		HB 667	05/13/2025
Ch. 706		HB 669	07/01/2025
Ch. 707		HB 680	05/13/2025
Ch. 708		HB 681	01/01/2026
Ch. 709	§§ 11 and 12	HB 682	05/13/2025
	§§ 1-10 and 13	HB 682	10/01/2026
Ch. 710		HB 683	10/01/2025
Ch. 711		HB 684	10/01/2025
Ch. 712		HB 685	05/13/2025
Ch. 713		HB 686	10/01/2025
Ch. 714		HB 690	10/01/2025
Ch. 715		HB 725	10/01/2025
Ch. 716		HB 745	07/01/2025
Ch. 717		HB 756	10/01/2025
Ch. 718		HB 757	10/01/2025
Ch. 719		HB 760	05/13/2025
Ch. 720		HB 768	10/01/2025
Ch. 721		HB 769	10/01/2025
Ch. 722		HB 770	10/01/2025
Ch. 723		HB 775	05/13/2025
Ch. 724		HB 778	05/13/2025
Ch. 725		HB 786	05/13/2025
Ch. 726		HB 794	10/01/2025
Ch. 727		HB 801	10/01/2025
Ch. 728		HB 807	10/01/2025
Ch. 729		HB 817	10/01/2025

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Ch. 730		HB 818	05/13/2025
Ch. 731		HB 819	05/13/2025
Ch. 732		HB 833	05/13/2025
Ch. 733		HB 834	05/18/2025
Ch. 734		HB 845	05/13/2025
Ch. 735		HB 846	05/13/2025
Ch. 736		HB 849	01/01/2026
Ch. 737		HB 853	10/01/2025
Ch. 738		HB 863	06/30/2025
Ch. 739		HB 864	07/01/2025
Ch. 740		HB 866	07/01/2025
Ch. 741		HB 867	10/01/2025
Ch. 742		HB 869	07/01/2025
Ch. 743		HB 872	07/01/2025
Ch. 744		HB 876	05/13/2025
Ch. 745		HB 882	06/01/2025
Ch. 746		HB 888	07/01/2025
Ch. 747		HB 891	07/01/2025
Ch. 748		HB 897	10/01/2025
Ch. 749	§§ 1-3 and 5-8	HB 898	05/13/2025
	§ 4	HB 898	07/01/2025
Ch. 750		HB 899	07/01/2025
Ch. 751		HB 908	10/01/2025
Ch. 752		HB 913	07/01/2025
Ch. 753		HB 917	10/01/2025
Ch. 754		HB 918	07/01/2025
Ch. 755		HB 920	10/01/2025
Ch. 756	§§ 1, 3, and 4	HB 923	05/13/2025
	§ 2	HB 923	07/01/2025
Ch. 757		HB 931	10/01/2025
Ch. 758		HB 932	07/01/2025
Ch. 759		HB 935	05/13/2025
Ch. 760		HB 936	07/01/2025
Ch. 761		HB 939	01/01/2026
Ch. 762		HB 943	07/01/2025
Ch. 763		HB 949	10/01/2025
Ch. 764		HB 954	05/13/2025
Ch. 765		SB 45	10/01/2025
Ch. 766		SB 116	07/01/2025
Ch. 767	§§ 1-4, 13 and 14, 22 and 23, and 25-31	SB 542	05/13/2025
	§§ 5-10, 15-21, and 24	SB 542	01/01/2026
	§§ 11 and 12	SB 542	Effective on the date that the department of revenue certifies to the code commissioner that a court of final disposition

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		finds that [§ 4] is invalid. The department of revenue shall submit certification within 30 days of the occurrence of the contingency.
Ch. 768	HB 810	06/09/2025
Ch. 769	HB 832	07/01/2025
Ch. 770	SB 232	06/09/2025
Ch. 771	HB 368	10/01/2025
Ch. 772	HB 4	06/20/2025
Ch. 773	HB 5	06/19/2025
Ch. 774	HB 499	07/01/2025
Ch. 775	HB 924	06/19/2025
Ch. 776	HB 2	07/01/2025
Ch. 777	HB 643	07/01/2026

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01/28/2025	Ch. 2	HB 1
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02/27/2025	Ch. 8 §§ 34, 36, and 37	HB 60
02/27/2025	Ch. 13	SB 76
03/04/2025	Ch. 18	HB 181
03/25/2025	Ch. 20	HB 409
03/27/2025	Ch. 25	HB 54
03/27/2025	Ch. 26	HB 61
03/27/2025	Ch. 27	HB 63
03/27/2025	Ch. 29	HB 72
03/27/2025	Ch. 33	HB 121
03/27/2025	Ch. 34	HB 195
03/27/2025	Ch. 35 §§ 2 and 3	HB 245
03/27/2025	Ch. 37	HB 431
04/03/2025	Ch. 39	HB 74
04/03/2025	Ch. 42	HB 90
04/03/2025	Ch. 46	HB 98
04/03/2025	Ch. 51	HB 110
04/03/2025	Ch. 54	HB 115
04/03/2025	Ch. 55	SB 1
04/03/2025	Ch. 60	SB 26
04/03/2025	Ch. 61	SB 51
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04/03/2025	Ch. 70	SB 170
04/03/2025	Ch. 72	HB 118
04/03/2025	Ch. 73	HB 167
04/07/2025	Ch. 80	HB 91
04/07/2025	Ch. 81	HB 92
04/07/2025	Ch. 82	HB 106
04/07/2025	Ch. 84	HB 120
04/07/2025	Ch. 90	HB 210
	§§ 4, 5, and 8	
04/07/2025	Ch. 92	HB 3
04/07/2025	Ch. 97	HB 28
04/07/2025	Ch. 100	HB 49
04/07/2025	Ch. 103	HB 89
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04/16/2025	Ch. 134	HB 142
04/16/2025	Ch. 146	SB 249
04/16/2025	Ch. 150	SB 212
04/16/2025	Ch. 151	SB 211
04/16/2025	Ch. 158	SB 104
04/16/2025	Ch. 159	SB 64
04/16/2025	Ch. 167	SB 9
04/17/2025	Ch. 140	SB 338
04/17/2025	Ch. 173	SB 162
04/17/2025	Ch. 175	SB 137
04/17/2025	Ch. 176	SB 134
	(Effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to any endowment agreement entered into on or after January 1, 1975.)	
04/17/2025	Ch. 180	SB 10
04/17/2025	Ch. 184	HB 248
04/17/2025	Ch. 186	HB 234
04/17/2025	Ch. 187	HB 233
04/17/2025	Ch. 191	HB 179
04/17/2025	Ch. 192	HB 173
04/17/2025	Ch. 194	HB 127
04/17/2025	Ch. 195	HB 88
04/17/2025	Ch. 198	SB 495
04/17/2025	Ch. 199	SB 488
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04/17/2025	Ch. 221	SB 79
04/17/2025	Ch. 222	SB 78
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04/17/2025	Ch. 224	SB 23
04/17/2025	Ch. 225	SB 11
05/01/2025	Ch. 232	HB 126
05/01/2025	Ch. 233	HB 130
05/01/2025	Ch. 235	HB 166
05/01/2025	Ch. 238	HB 193
05/01/2025	Ch. 239	HB 201
05/01/2025	Ch. 246	HB 270
05/01/2025	Ch. 248	HB 285
05/01/2025	Ch. 249	HB 291
05/01/2025	Ch. 250	HB 292
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05/01/2025	Ch. 263	HB 342
05/01/2025	Ch. 267	HB 380
05/01/2025	Ch. 269	HB 388
05/01/2025	Ch. 275	HB 400
05/01/2025	Ch. 278	HB 413
05/01/2025	Ch. 281	HB 423
05/01/2025	Ch. 289	HB 448
05/01/2025	Ch. 292	HB 454
05/01/2025	Ch. 293	HB 455
05/01/2025	Ch. 294	HB 458
05/01/2025	Ch. 296	HB 464
05/01/2025	Ch. 297	HB 466
05/01/2025	Ch. 299	HB 468
05/01/2025	Ch. 301	HB 473
05/01/2025	Ch. 302	HB 474
05/01/2025	Ch. 318	HB 531
05/01/2025	Ch. 323	HB 603
05/01/2025	Ch. 326	HB 616
05/01/2025	Ch. 328	HB 629
05/01/2025	Ch. 329	HB 631
05/01/2025	Ch. 335	HB 651
05/01/2025	Ch. 338	HB 664
05/01/2025	Ch. 339	HB 671
05/01/2025	Ch. 341	HB 710
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05/01/2025	Ch. 348	SB 221
05/01/2025	Ch. 349	SB 487

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	§§ 2-4	
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05/05/2025	Ch. 362	SB 168
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	§§ 1 and 3-6	
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05/05/2025	Ch. 371	SB 223
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05/05/2025	Ch. 380	SB 271
05/05/2025	Ch. 381	SB 276
05/05/2025	Ch. 386	SB 330
05/05/2025	Ch. 387	SB 342
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05/05/2025	Ch. 436	HB 317
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05/05/2025	Ch. 454	HB 497
05/05/2025	Ch. 461	HB 572
05/05/2025	Ch. 464	HB 587
05/05/2025	Ch. 470	HB 679
05/06/2025	Ch. 388	SB 344
05/06/2025	Ch. 457	HB 539
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		§§ 1 and 8-9
05/08/2025	Ch. 555	SB 121
05/08/2025	Ch. 559	SB 183
05/08/2025	Ch. 565	SB 257
05/08/2025	Ch. 574	SB 390
05/08/2025	Ch. 582	SB 544
05/12/2025	Ch. 631	HB 31
05/12/2025	Ch. 635	HB 84
		§§ 1-4, 6-10, and 12-14
05/12/2025	Ch. 636	HB 85
		§§ 6-9 and 11-12
05/12/2025	Ch. 637	HB 86
05/12/2025	Ch. 639	HB 137
05/12/2025	Ch. 641	HB 153
05/12/2025	Ch. 643	HB 207
05/12/2025	Ch. 645	HB 281
05/12/2025	Ch. 656	HB 444
05/13/2025	Ch. 584	SB 69
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05/13/2025	Ch. 594	SB 278
		§§ 3-5
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05/13/2025	Ch. 603	SB 350
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05/13/2025	Ch. 605	SB 409
		§§ 4, 5, and 7
05/13/2025	Ch. 606	SB 413
05/13/2025	Ch. 607	SB 429
05/13/2025	Ch. 608	SB 430
05/13/2025	Ch. 615	SB 497
05/13/2025	Ch. 617	SB 520
05/13/2025	Ch. 621	SB 535
05/13/2025	Ch. 622	SB 545
05/13/2025	Ch. 623	SB 550
05/13/2025	Ch. 625	SB 553
05/13/2025	Ch. 658	HB 483
05/13/2025	Ch. 661	HB 692
05/13/2025	Ch. 662	HB 940
		§§ 1-4 and 6-7
05/13/2025	Ch. 669	HB 117
05/13/2025	Ch. 671	HB 151
		§§ 6-9
05/13/2025	Ch. 674	HB 231
		§§ 7, 9-11, 14, and 21-34
05/13/2025	Ch. 675	HB 329
05/13/2025	Ch. 678	HB 424
05/13/2025	Ch. 680	HB 480
05/13/2025	Ch. 681	HB 490
05/13/2025	Ch. 684	HB 505
05/13/2025	Ch. 687	HB 515
		§§ 12-13
05/13/2025	Ch. 695	HB 592
05/13/2025	Ch. 700	HB 623
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05/13/2025	Ch. 705	HB 667
05/13/2025	Ch. 707	HB 680
05/13/2025	Ch. 709	HB 682
		§§ 11-12
05/13/2025	Ch. 712	HB 685
05/13/2025	Ch. 719	HB 760
05/13/2025	Ch. 723	HB 775
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05/13/2025	Ch. 732	HB 833
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05/13/2025	Ch. 749	HB 898
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05/13/2025	Ch. 756	HB 923
	§§ 1, 3, and 4	
05/13/2025	Ch. 759	HB 935
05/13/2025	Ch. 764	HB 954
05/13/2025	Ch. 767	SB 542
	§§ 1-4, 13-14, 22-23, and 25-31	
05/16/2025	Ch. 648	HB 348
05/18/2025	Ch. 733	HB 834
06/01/2025	Ch. 234	HB 141
06/01/2025	Ch. 407	SB 482
06/01/2025	Ch. 600	SB 335
06/01/2025	Ch. 745	HB 882
06/09/2025	Ch. 768	HB 810
06/09/2025	Ch. 770	SB 232
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06/30/2025	Ch. 673	HB 228
06/30/2025	Ch. 738	HB 863
07/01/2025	Ch. 3	HB 83
07/01/2025	Ch. 19	SB 320
07/01/2025	Ch. 21	HB 13
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07/01/2025	Ch. 57	SB 17
07/01/2025	Ch. 59	SB 22
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07/01/2025	Ch. 112	HB 197
07/01/2025	Ch. 122	HB 357
07/01/2025	Ch. 124	HB 260
07/01/2025	Ch. 129	HB 227
07/01/2025	Ch. 130	HB 218
07/01/2025	Ch. 132	HB 158
07/01/2025	Ch. 136	HB 67
07/01/2025	Ch. 153	SB 206
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07/01/2025	Ch. 242	HB 226
07/01/2025	Ch. 243	HB 251
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07/01/2025	Ch. 304	HB 476
07/01/2025	Ch. 307	HB 491
07/01/2025	Ch. 312	HB 504
07/01/2025	Ch. 313	HB 509
07/01/2025	Ch. 320	HB 591
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07/01/2025	Ch. 330	HB 632
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07/01/2025	Ch. 374	SB 245
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07/01/2025	Ch. 442	HB 346
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07/01/2025	Ch. 449	HB 359
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		§§ 1-11 and 13-28
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07/01/2025	Ch. 557	SB 181
07/01/2025	Ch. 558	SB 182
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07/01/2025	Ch. 563	SB 238
07/01/2025	Ch. 569	SB 303
07/01/2025	Ch. 570	SB 311
07/01/2025	Ch. 572	SB 339
07/01/2025	Ch. 583	SB 19
07/01/2025	Ch. 592	SB 253
		§§ 5-7
07/01/2025	Ch. 594	SB 278
		§§ 1 and 2
07/01/2025	Ch. 605	SB 409
		§§ 1-3 and 6
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07/01/2025	Ch. 620	SB 534
07/01/2025	Ch. 629	HB 6
07/01/2025	Ch. 630	HB 7
07/01/2025	Ch. 632	HB 55
07/01/2025	Ch. 634	HB 69
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		§§ 1-5 and 10
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07/01/2025	Ch. 649	HB 356
07/01/2025	Ch. 654	HB 419
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07/01/2025	Ch. 657	HB 446
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07/01/2025	Ch. 662	HB 940
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07/01/2025	Ch. 697	HB 602
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07/01/2025	Ch. 750	HB 899
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	§ 2	
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10/01/2025	Ch. 6	HB 32
10/01/2025	Ch. 7	HB 41
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10/01/2025	Ch. 10	HB 203
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10/01/2025	Ch. 78	HB 53
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10/01/2025	Ch. 99	HB 46
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10/01/2025	Ch. 120	HB 434
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10/01/2025	Ch. 123	HB 278
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10/01/2025	Ch. 141	SB 280
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10/01/2025	Ch. 154	SB 175
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10/01/2025	Ch. 166	SB 12
10/01/2025	Ch. 169	SB 200
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10/01/2025	Ch. 172	SB 165
10/01/2025	Ch. 174	SB 143
10/01/2025	Ch. 177	SB 124
10/01/2025	Ch. 178	SB 113
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10/01/2025	Ch. 181	HB 308
10/01/2025	Ch. 182	HB 279
10/01/2025	Ch. 183	HB 261
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10/01/2025	Ch. 197	HB 48
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10/01/2025	Ch. 211	SB 305
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10/01/2025	Ch. 213	SB 275
10/01/2025	Ch. 217	SB 184
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10/01/2025	Ch. 231	HB 123
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10/01/2025	Ch. 237	HB 184
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10/01/2025	Ch. 254	HB 311
10/01/2025	Ch. 255	HB 312
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10/01/2025	Ch. 270	HB 391
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10/01/2025	Ch. 280	HB 415
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10/01/2025	Ch. 287	HB 443
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10/01/2025	Ch. 314	HB 520
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10/01/2025	Ch. 325	HB 614
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10/01/2025	Ch. 331	HB 638
10/01/2025	Ch. 332	HB 642
10/01/2025	Ch. 333	HB 648
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10/01/2025	Ch. 337	HB 656
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10/01/2025	Ch. 400	SB 428
10/01/2025	Ch. 401	SB 433
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10/01/2025	Ch. 523	HB 743
10/01/2025	Ch. 525	HB 752
10/01/2025	Ch. 526	HB 759
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10/01/2025	Ch. 529	HB 767
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10/01/2025	Ch. 536	HB 806
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10/01/2025	Ch. 610	SB 440
10/01/2025	Ch. 611	SB 446
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10/01/2025	Ch. 653	HB 411
10/01/2025	Ch. 659	HB 545
10/01/2025	Ch. 668	HB 76
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10/01/2025	Ch. 683	HB 495
10/01/2025	Ch. 686	HB 514
10/01/2025	Ch. 689	HB 527
10/01/2025	Ch. 691	HB 584
10/01/2025	Ch. 692	HB 586
10/01/2025	Ch. 693	HB 588
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10/01/2025	Ch. 728	HB 807
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	§§ 1 and 6	
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?	Ch. 142	SB 279
	(Effective on the date that the compact has been legislatively enacted into law by the seventh member state. The department of labor and industry shall notify the code commissioner within 15 days of the occurrence of the contingency.)	
?	Ch. 149	SB 233
	(Effective on the date that the compact has been legislatively enacted into law by the seventh member state. The department of labor and industry shall notify the code commissioner within 15 days of the occurrence of the contingency.)	
?	Ch. 288	HB 447
	(Effective on the date that the compact has been legislatively enacted into law by the seventh	

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		member state. The department of labor and industry shall notify the code commissioner within 15 days of the occurrence of the contingency.)
?	Ch. 420	HB 56
		(Effective on approval by the United States department of health and human services of all waivers and approvals necessary to implement the assessment fee and supplemental payments as provided in [§§ 1 through 15]. The department of public health and human services shall notify the code commissioner within 15 days of the occurrence of the contingency.)
?	Ch. 524	HB 744
		(§ 2, Effective 30 days after the date of the final adoption of rules to implement the provisions of [§ 1(4) and (5)] by the board of speech-language pathologists and audiologists.)
?	Ch. 635	HB 84
		(§§ 5 and 11, Effective after legislative appropriation of funds to the prescribed fire manager certification claims special revenue account in [§ 7]. The department shall submit certification of the appropriation to the code commissioner within 15 days of the occurrence of contingency.)
?	Ch. 674	HB 231
		(§§ 8 and 12, Effective on the date that the department of revenue certifies to the code commissioner that a court of final disposition finds that [§ 7] is invalid. The department of revenue shall submit certification within 30 days of the occurrence of the contingency.)

Effective Date	Chapter No.	Bill No.
?	Ch. 767	SB 542

(§§ 11 and 12, Effective on the date that the department of revenue certifies to the code commissioner that a court of final disposition finds that [§ 4] is invalid. The department of revenue shall submit certification within 30 days of the occurrence of the contingency.)

SESSION LAW TO CODE

Ch.	Sec.	MCA
1	1	60-1-242
	2	Codification instruction
2	1	Appropriations
	2	Effective date
3	1	44-2-410 (replaced — sec. 5, Ch. 659)
	2	Appropriation (replaced — sec. 6, Ch. 659)
	3	Notification to tribal governments
	4	Codification instruction
	5	Effective date
	6	Termination
4	1	15-44-103
	2	Effective date
5	1	7-15-4289
	2	Applicability
6	1	40-6-701
7	1	50-32-232
8	1	2-18-101
	2	20-3-369
	3	27-1-306
	4	30-10-104
	5	30-10-201
	6	30-10-307
	7	30-10-1005
	8	33-1-501
	9	33-2-325
	10	33-2-301
	11	33-2-306
	12	33-3-201
	13	33-17-237
	14	33-17-243
	15	33-17-1402
	16	33-19-105
	17	33-20-1302
	18	33-22-132
	19	33-22-138
	20	33-22-150
	21	33-22-206
	22	33-22-208
	23	33-22-244
	24	33-22-521
	25	33-22-906
	26	33-22-907
	27	33-22-921
	28	33-22-922
	29	33-22-923
	30	33-22-924
	31	33-32-211
	32	33-35-306
	33	Directions to code commissioner
	34	Sec. 26, Ch. 501, L. 2021
	35	Codification instruction
	36	Sec. 1, Ch. 259, L. 2023
	37	Effective dates
9	1	75-2-109
	2	Repealer
10	1	1-1-233
	2	Codification instruction
11	1	15-1-802
	2	15-1-803
	3	Applicability
12	1	85-2-156
	2	Codification instruction
13	1	85-2-307
	2	Effective date
14	1	15-6-237
	2	15-6-238
	3	Codification instruction
15	1	20-9-116
16	1	3-10-201
	2	3-10-206
	3	13-37-211
	4	Repealer
17	1	7-14-2101
	2	7-14-2601
	3	22-3-1101
	4	60-1-103
	5	60-2-107
	6	60-2-112
	7	60-2-115
	8	60-2-134
	9	60-2-220
	10	60-2-240
	11	60-3-206

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	12	60-3-211
	13	60-4-201
	14	60-4-202
	15	60-4-203
	16	60-4-211
	17	60-4-209 (renumbered 60-4-212)
	18	60-4-213
	19	60-4-214
	20	60-4-215
	21	60-4-216
	22	60-4-217
	23	60-4-218
	24	60-4-401
	25	60-4-601
	26	60-5-102
	27	60-6-106
	28	60-11-111
	29	Repealer
	30	Codification instruction
18	1	44-1-1003
	2	Effective date
19	1	2-15-1839
	2	90-1-154
	3	90-1-155
	4	90-1-156
	5	90-1-157
	6	90-1-158
	7	90-1-159
	8	Codification instruction
	9	Effective date
20	1	27-19-201
	2	Effective date
21	1	2-18-303
	2	2-18-501
	3	2-18-703
	4	5-2-301
	5	Appropriations
	6	Effective date
22	1	49-4-307
23	1	49-4-302
	2	61-6-301
	3	61-8-101
	4	61-8-102
	5	61-8-351
	6	61-8-387
	7	61-8-605
	8	61-12-401
24	1	45-7-207
25	1	39-51-406
	2	Repealer
	3	Effective date
26	1	17-2-107
	2	Effective date
27	1	17-5-205
	2	Effective date
28	1	10-1-104
	2	Applicability
29	1	10-1-502
	2	Effective date
30	1	44-4-404
31	1	76-13-401
	2	76-13-408
32	1	77-6-203
	2	77-6-501
	3	77-6-506
33	1	50-4-1201
	2	50-4-1202
	3	50-4-1203
	4	50-4-1204
	5	Codification instruction
	6	Severability
	7	Effective date
34	1	25-9-411
	2	Severability
	3	Effective date
35	1	39-12-103
	2	Repealer
	3	Effective dates
36	1	49-2-307
	2	Severability
37	1	3-1-1115
	2	Effective date
38	1	20-9-306
	2	Effective date
	3	Applicability
39	1	87-4-603
	2	87-4-606
	3	87-4-607
	4	87-6-202
	5	87-6-206
	6	87-6-707
	7	Repealer
	8	Effective date
40	1	33-24-401
	2	33-24-402
	3	33-24-403
	4	33-24-404
	5	33-24-405
	6	33-24-406
	7	33-24-407
	8	33-24-408
	9	33-24-409
	10	Codification instruction
41	1	10-2-102
42	1	15-7-111
	2	Effective date
	3	Retroactive applicability
43	1	87-6-602
	2	Effective date
44	1	87-2-105
	2	87-2-520
	3	87-2-810
45	1	60-2-246
	2	61-10-124
	3	Codification instruction
46	1	87-6-304
	2	87-6-305
	3	Effective date
47	1	61-3-130
	2	15-68-101
	3	23-2-502
	4	23-2-535
	5	30-11-701
	6	30-14-2501
	7	53-9-103
	8	61-1-101
	9	61-2-102
	10	61-3-201
	11	61-3-206
	12	61-3-224
	13	61-3-226
	14	61-3-301
	15	61-3-317
	16	61-3-321
	17	61-3-412
	18	61-3-413
	19	61-3-503
	20	61-4-102
	21	61-4-104
	22	61-4-110
	23	61-4-111
	24	61-4-121
	25	61-4-123
	26	61-4-201
	27	61-4-212
	28	61-4-213
	29	61-4-222
	30	61-4-402
	31	61-4-501
	32	61-5-104
	33	61-5-112
	34	61-5-119
	35	61-5-120

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	36	61-5-232
	37	61-6-102
	38	61-6-302
	39	61-8-105
	40	61-8-110
	41	61-8-303
	42	61-8-376
	43	61-8-803
	44	61-8-1001
	45	61-9-105
	46	61-9-204
	47	61-9-406
	48	61-9-407
	49	61-9-409
	50	61-9-414
	51	61-9-416
	52	61-9-417
	53	61-9-430
	54	61-9-432
	55	61-9-437
	56	61-9-518
	57	61-9-520
	58	61-10-102
	59	61-10-111
	60	61-10-124
	61	61-10-141
	62	61-11-101
	63	87-6-207
	64	Repealer
	65	Codification instruction
48	1	44-2-115
49	1	87-4-902
	2	87-4-904
	3	87-4-905
	4	87-4-906
	5	87-4-912
	6	Effective date
50	1	87-4-201
	2	87-4-302
	3	87-4-802
	4	87-4-803
	5	87-4-1004
	6	87-5-704
	7	87-5-705
	8	Effective date
51	1	5-11-212
	2	Effective date
52	1	1-11-401
	2	1-11-402
	3	1-11-403
	4	1-11-404
	5	1-11-405
	6	1-11-406
	7	1-11-407
	8	1-11-408
	9	1-11-409
	10	1-11-410
	11	1-11-411
	12	1-11-103
	13	Codification instruction
	14	Effective date
53	1	2-6-1102
	2	2-15-116
	3	2-15-401
	4	2-17-513
	5	2-17-603
	6	2-17-807
	7	2-17-808
	8	5-11-222
	9	5-15-101
	10	15-30-2191
	11	15-31-172
	12	16-4-111
	13	17-7-502
	14	20-11-107
	15	20-15-310
	16	25-1-1101
	17	25-1-1111
	18	25-1-1112
	19	26-1-802
	20	27-1-1101
	21	53-6-101
	22	53-25-102
	23	61-8-1016
	24	76-13-418
	25	81-2-501
	26	81-9-201
	27	81-9-218
	28	81-9-240
	29	Directions to code commissioner
	30	Directions to code commissioner
54	1	1-11-101
	2	1-11-204
	3	Effective date
55	1	7-15-4202
	2	7-15-4206
	3	7-15-4210
	4	7-15-4259
	5	70-30-102
	6	Effective date
	7	Applicability
56	1	7-15-4234
	2	7-15-4282
	3	Transition
57	1	41-3-301
	2	41-3-307
	3	41-3-432
	4	Notification to tribal governments
	5	Effective date
58	1	41-3-102
59	1	69-12-321
	2	Effective date
60	1	2-18-503
	2	Effective date
61	1	69-3-805
	2	Effective date
62	1	85-2-157
	2	Codification instruction
63	1	41-3-301
	2	41-3-307
64	1	1-2-209
	2	Codification instruction
	3	Effective date
	4	Retroactive applicability
65	1	53-7-401
	2	53-7-402
	3	53-7-403
	4	53-7-404
	5	53-7-405
	6	53-7-406
	7	Codification instruction
	8	Effective date
66	1	50-6-501
	2	50-6-502
	3	50-6-504
	4	50-6-505
	5	Repealer
67	1	2-18-601
	2	2-18-603
	3	Effective date
68	1	50-5-302
	2	Notification to tribal governments
	3	Effective date
69	1	53-21-702
70	1	Sec. 5, Ch. 412, L. 2019
	2	Repealer

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	3	Notification to tribal governments
	4	Effective date
71	1	7-6-1503 (replaced — sec. 2, Ch. 425)
	2	7-6-1504 (void — sec. 3, Ch. 425)
	3	7-6-1541 (void — sec. 3, Ch. 425)
	4	7-6-1542 (void — sec. 3, Ch. 425)
72	1	20-1-230
	2	Effective date
73	1	13-13-233
	2	13-13-234
	3	Effective date
74	1	37-20-501
	2	37-20-402
	3	Codification instruction
75	1	16-4-307
	2	16-4-115
	3	16-4-501
	4	16-4-1001
	5	16-4-1002
	6	16-4-1003
	7	16-4-1004
	8	16-4-1005
	9	16-4-1007
	10	16-4-1008
	11	16-4-1010
	12	Codification instruction
	13	Effective date
76	1	37-1-302
	2	37-1-304
	3	37-26-201
	4	37-33-405
	5	37-50-203
	6	37-73-204
	7	Repealer
77	1	37-4-405
78	1	18-2-301
79	1	3-5-901
	2	41-3-422
	3	41-3-427
	4	41-3-432
	5	Repealer
	6	Notification to tribal governments
80	1	15-1-233
	2	Codification instruction
	3	Effective date
81	1	16-1-302
	2	16-3-233
	3	16-3-301
	4	16-4-414
	5	16-4-801
	6	Effective date
82	1	87-4-502
	2	87-4-503
	3	87-4-522
	4	87-4-524
	5	87-4-525
	6	87-6-706
	7	Repealer
	8	Effective date
83	1	15-8-111
	2	Applicability
84	1	90-4-1302
	2	Effective date
85	1	87-2-113
	2	87-2-411
	3	Effective date
86	1	16-4-801
	2	23-5-118
87	1	70-9-802
	2	70-9-803
	3	70-9-808
88	1	61-3-208
	2	61-3-216
	3	61-3-218
	4	61-3-220
	5	61-3-303
	6	61-14-101
89	1	87-1-201
90	1	39-51-702
	2	39-51-706
	3	39-51-1218
	4	39-51-3201
	5	39-51-3202
	6	61-11-508
	7	Repealer
	8	Effective dates
91	1	61-3-306
	2	61-3-307
	3	61-6-113
	4	61-14-101
	5	Codification instruction
92	1	Time limits
	2	Appropriations — authorization to expend money
	3	Effective date
93	1	17-6-309
	2	17-6-311
	3	17-6-316
	4	Notification to tribal governments
	5	Applicability
94	1	15-39-110
	2	17-3-222
	3	20-9-331
	4	20-9-332
	5	20-9-333
	6	Effective date
95	1	15-10-420
	2	15-10-425
	3	Repealer
96	1	20-1-301
	2	20-3-205
	3	20-3-326
	4	20-7-117
	5	20-9-311
	6	20-9-313
	7	Effective date
	8	Applicability
97	1	20-6-804
	2	20-6-805
	3	20-6-806
	4	20-6-809
	5	20-6-812
	6	Effective date
	7	Retroactive applicability
98	1	7-6-4020
99	1	37-61-403
100	1	16-12-101
	2	16-12-102
	3	16-12-108
	4	16-12-112
	5	16-12-117
	6	16-12-208
	7	16-12-305
	8	45-5-623
	9	Effective date
101	1	7-4-2110
	2	27-26-206
102	1	45-5-629
	2	45-5-504
	3	45-5-601

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	4	45-5-625
	5	45-5-711
	6	45-8-201
	7	46-23-502
	8	46-23-509
	9	Codification instruction
	10	Severability
	11	Effective date
103	1	15-16-611
	2	Effective date
104	1	28-2-724
	2	Directions to code commissioner
105	1	33-24-110
	2	33-15-1108
	3	33-16-203
	4	33-18-210
	5	Codification instruction
106	1	50-60-115
107	1	16-4-1006
	2	Effective date
108	1	7-12-2102
	2	7-12-2103
	3	7-12-2105
	4	7-12-2113
109	1	1-1-529
	2	Codification instruction
	3	Effective date
110	1	45-5-622
	2	Applicability
111	1	16-4-1006
	2	16-6-305
112	1	39-71-609
	2	Effective date
113	1	46-1-104
	2	Codification instruction
114	1	2-15-108
115	1	16-3-313
	2	16-11-305
	3	16-12-104
116	1	82-1-601
	2	82-1-602
117	1	46-23-506
118	1	37-1-106
119	1	37-54-503
120	1	32-1-109
	2	32-6-103
121	1	33-32-221
122	1	20-7-309
	2	Appropriation
	3	Codification instruction
123	1	46-5-401
124	1	20-4-134
	2	Effective date
	3	Applicability
125	1	39-8-202
126	1	50-16-607
	2	Codification instruction
127	1	37-17-501
	2	37-17-202
	3	Codification instruction
128	1	37-1-322
	2	37-1-414
	3	37-3-323
	4	37-6-311
	5	37-12-322
	6	Codification instruction
129	1	37-1-125
	2	17-7-502
	3	Codification instruction
	4	Effective date
	5	Termination
130	1	37-10-101
	2	37-10-302
	3	Effective date
131	1	28-2-724
	2	Effective date
	3	Applicability
132	1	19-20-732
	2	Sec. 4, Ch. 307, L. 2019
	3	Sec. 4, Ch. 135, L. 2023
	4	Effective date
	5	Termination
133	1	39-71-116
	2	39-71-711
	3	Effective date
134	1	5-5-215
	2	Effective date
135	1	2-18-624
	2	39-2-308
	3	Codification instruction
136	1	19-20-101
	2	19-20-208
	3	19-20-302
	4	19-20-303
	5	19-20-417
	6	19-20-703
	7	19-20-905
	8	Effective date
137	1	37-2-104
138	1	33-1-111
139	1	37-3-102
	2	37-3-103
	3	37-3-305
	4	37-26-301
140	1	39-71-742
	2	39-71-2905
	3	Effective date
141	1	44-7-201
142	1	37-25-401
	2	37-25-313
	3	Codification instruction
	4	Contingent effective date
143	1	45-5-622
144	1	41-3-205
	2	41-3-431
145	1	41-3-1220
	2	Codification instruction
146	1	41-3-437
	2	Effective date
147	1	41-3-205
148	1	7-4-2507
	2	7-4-2510
	3	Unfunded mandate laws superseded
149	1	37-33-601
	2	37-33-505
	3	Codification instruction
	4	Contingent effective date
150	1	2-10-201
	2	2-10-202
	3	2-10-204
	4	2-10-205
	5	2-10-206
	6	2-10-207
	7	2-10-203
	8	Severability
	9	Codification instruction
	10	Effective date
151	1	20-5-420
	2	20-5-421
	3	Effective date

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152	1	19-6-101
	2	19-9-104
	3	19-13-104
153	1	41-3-126
	2	41-3-102
	3	41-3-108
	4	41-3-127
	5	41-3-128
	6	41-3-129
	7	41-3-130
	8	41-3-201
	9	41-3-202
	10	41-3-205
	11	41-3-216
	12	41-3-301
	13	41-3-307
	14	41-3-427
	15	41-3-445
	16	Codification instruction
	17	Effective date
154	1	76-2-205
155	1	45-5-638
	2	45-5-639
	3	16-3-301
	4	16-3-323
	5	16-6-314
	6	16-12-106
	7	45-5-624
	8	Codification instruction
156	1	27-1-749
	2	27-1-741
	3	27-1-742
	4	27-1-743
	5	27-1-744
	6	27-1-745
	7	Codification instruction
157	1	39-71-116
158	1	90-5-101
	2	90-7-102
	3	90-7-104
	4	90-7-225
	5	90-7-229
	6	90-7-302
	7	Effective date
159	1	2-18-502
	2	5-2-302
	3	5-11-305
	4	5-11-708
	5	Effective date
160	1	20-9-166
	2	Effective date
	3	Applicability
161	1	20-9-638
162	1	20-7-1804
	2	20-9-311
	3	Effective date
	4	Retroactive applicability
163	1	20-6-702
	2	20-6-703
	3	Effective date
164	1	50-60-106
165	1	18-2-302
166	1	18-7-401
	2	18-7-402
	3	18-7-404
	4	18-7-405
	5	Repealer
	6	Transition
167	1	17-6-105
	2	Effective date
168	1	15-15-101
	2	Effective date
169	1	2-15-401
	2	35-17-103
	3	35-17-104
	4	35-17-202
	5	35-15-104
	6	Notification to tribal governments
	7	Codification instruction
170	1	37-60-101
	2	Effective date
171	1	85-2-311
	2	85-2-320
	3	85-2-360
	4	85-2-402
	5	85-2-407
	6	85-2-408
172	1	23-2-636
173	1	53-1-216 (renumbered 5-5-235)
	2	Directions to code commissioner
	3	Effective date
174	1	27-2-202
	2	27-2-208
	3	Applicability
175	1	3-15-313
	2	Effective date
176	1	72-30-301
	2	72-30-302
	3	72-30-303
	4	Codification instruction
	5	Effective date — retroactive applicability
177	1	61-5-310 (renumbered 46-5-114)
	2	Directions to code commissioner
178	1	71-3-1201
179	1	45-6-206
	2	45-6-207
	3	70-24-113
	4	Codification instruction
180	1	75-7-113
	2	Effective date
181	1	Sec. 5, Ch. 442, L. 2009
	2	Sec. 5, Ch. 387, L. 2015
	3	Sec. 1, Ch. 213, L. 2017
182	1	2-15-156
	2	Transition
183	1	37-1-101
184	1	13-2-402
	2	Effective date
185	1	87-2-817
186	1	Sec. 5, Ch. 763, L. 2023
	2	Effective date
187	1	76-3-308
	2	76-3-103
	3	76-8-101 (void — sec. 7, Ch. 589)
	4	76-25-103
	5	76-25-411
	6	Codification instruction
	7	Effective date
	8	Applicability
188	1	87-6-214
189	1	75-11-307
	2	75-11-308
	3	Effective date
190	1	2-15-2305
	2	Transition
	3	Effective date

Ch.	Sec.	MCA
191	1	13-2-222
	2	Effective date
192	1	41-5-103
	2	Effective date
193	1	27-2-218
	2	Codification instruction
194	1	76-13-150
	2	76-13-152
	3	Codification instruction
	4	Effective date
195	1	70-9-815
	2	Effective date
196	1	75-10-704
	2	75-10-743
	3	Sec. 5, Ch. 387, L. 2015
	4	Saving clause
	5	Effective date
	6	Termination
197	1	85-15-107
198	1	17-6-606
	2	Repealer
	3	Effective date
199	1	30-14-104
	2	30-14-111
	3	30-14-133
	4	30-14-159
	5	Effective date
200	1	30-1-101
	2	30-1-107
	3	30-1-201
	4	30-1-212
	5	30-1-301
	6	30-2-102
	7	30-2-106
	8	30-2-201
	9	30-2-202
	10	30-2-203
	11	30-2-205
	12	30-2-209
	13	30-2A-102
	14	30-2A-103
	15	30-2A-107
	16	30-2A-201
	17	30-2A-202
	18	30-2A-203
	19	30-2A-205
	20	30-2A-208
	21	30-3-102
	22	30-3-104
	23	30-3-125
	24	30-3-401
	25	30-3-605
	26	30-4A-103
	27	30-4A-105
	28	30-4A-201
	29	30-4A-202
	30	30-4A-203
	31	30-4A-207
	32	30-4A-208
	33	30-4A-210
	34	30-4A-211
	35	30-4A-305
	36	30-5-124
	37	30-5-136
	38	30-7-102
	39	30-7-107
	40	30-8-112
	41	30-8-113
	42	30-8-116
	43	30-8-120
	44	30-8-333
	45	30-9A-102
	46	30-9A-104
	47	30-9A-105
	48	30-9A-107A
	49	30-9A-107B
	50	30-9A-203
	51	30-9A-204
	52	30-9A-207
	53	30-9A-208
	54	30-9A-209
	55	30-9A-210
	56	30-9A-301
	57	30-9A-304
	58	30-9A-305
	59	30-9A-306A
	60	30-9A-306B
	61	30-9A-310
	62	30-9A-312
	63	30-9A-313
	64	30-9A-314
	65	30-9A-314A
	66	30-9A-316
	67	30-9A-317
	68	30-9A-323
	69	30-9A-324
	70	30-9A-326A
	71	30-9A-330
	72	30-9A-331
	73	30-9A-332
	74	30-9A-334
	75	30-9A-341
	76	30-9A-404
	77	30-9A-406
	78	30-9A-408
	79	30-9A-509
	80	30-9A-513
	81	30-9A-601
	82	30-9A-605
	83	30-9A-608
	84	30-9A-611
	85	30-9A-613
	86	30-9A-614
	87	30-9A-615
	88	30-9A-616
	89	30-9A-619
	90	30-9A-620
	91	30-9A-621
	92	30-9A-624
	93	30-9A-628
	94	30-12A-101
	95	30-12A-102
	96	30-12A-103
	97	30-12A-104
	98	30-12A-105
	99	30-12A-106
	100	30-12A-107
	101	30-12A-201
	102	30-12A-202
	103	30-12A-203
	104	30-9A-901, 30-12A-204
	105	30-9A-902, 30-12A-205
	106	30-9A-903, 30-12A-206
	107	30-9A-904, 30-12A-207
	108	30-9A-905, 30-12A-208
	109	30-9A-906, 30-12A-209
	110	71-3-125
	111	Central bank digital currency — approval by state
	112	Codification instruction
	113	Directions to code commissioner
	114	Severability
201	1	82-4-251
	2	82-4-254
	3	Severability
	4	Contingent voidness

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	5	Effective date
202	1	13-38-205
203	1	82-4-231
	2	Severability
	3	Contingent voidness
	4	Effective date
204	1	85-2-316
	2	85-2-331
	3	Notification to tribal governments
	4	Effective date
205	1	61-4-123
	2	61-4-201
206	1	15-2-301
	2	Effective date
	3	Applicability
207	1	75-11-310
	2	75-11-309
	3	75-11-313
	4	75-11-318
	5	Codification instruction
	6	Effective date
208	1	23-2-109
	2	Effective date
209	1	60-2-601
	2	60-2-602
210	1	15-17-121
	2	15-18-220
	3	Effective date
211	1	37-19-828
212	1	44-3-311
	2	Codification instruction
213	1	76-3-211
214	1	13-12-202
	2	13-13-116
	3	Effective date
215	1	16-4-404
	2	16-6-303
	3	Effective date
	4	Applicability
216	1	15-70-801
	2	15-70-802
	3	15-70-803
	4	15-70-804
	5	15-70-805
	6	Effective date
217	1	13-38-201
218	1	13-15-105
	2	13-17-203
	3	Effective date
219	1	87-1-301
	2	Effective date
220	1	81-3-211
	2	Effective date
221	1	Repealer
	2	Effective date
222	1	81-9-112
	2	Effective date
223	1	13-15-201
	2	Effective date
224	1	69-14-252
	2	Effective date
225	1	13-28-101
	2	13-28-102
	3	13-28-103
	4	13-28-201
	5	13-28-202
	6	13-28-203
	7	13-28-204
	8	13-28-205
	9	13-28-206
	10	13-28-207
	11	13-28-301
	12	13-28-104
	13	13-28-401
	14	3-10-101
	15	3-11-101
	16	7-1-4130
	17	7-3-1204
	18	7-5-131
	19	7-6-1504
	20	13-1-201
	21	13-10-612 (renumbered 13-35-250)
	22	13-27-611 (renumbered 13-35-251)
	23	16-1-205
	24	16-12-301
	25	16-12-311
	26	Repealer
	27	Directions to code commissioner
	28	Codification instruction
	29	Saving clause
	30	Effective date
	31	Applicability
226	1	45-5-107
	2	44-15-103
	3	46-18-201
	4	61-8-1007
	5	61-8-1008
	6	61-8-1016
227	1	15-30-2103
	2	15-30-2103
	3	15-30-2318
	4	Transition
	5	Effective dates
	6	Applicability
	7	Termination
228	1	47-1-402
	2	47-1-403
	3	47-1-302
	4	18-4-132
	5	47-1-104
	6	47-1-105
	7	47-1-119
	8	47-1-125
	9	47-1-201
	10	47-1-202
	11	47-1-215
	12	47-1-301
	13	47-1-401
	14	Repealer
	15	Codification instruction
229	1	33-18-250
	2	33-18-104
	3	33-18-201
	4	33-18-202
	5	33-18-203
	6	33-18-501
	7	33-18-1001
	8	Codification instruction
	9	Effective date
230	1	69-4-101
231	1	16-3-311
	2	30-14-102
232	1	2-3-301 (void — secs. 11, 12, Ch. 695)
	2	2-4-302 (void — secs. 11, 12, Ch. 695)
	3	2-4-305 (void — sec. 11, Ch. 695; replaced — sec. 12, Ch. 695)
	4	Effective date (void — secs. 11, 12, Ch. 695)

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	5	Applicability (void — secs. 11, 12, Ch. 695)
233	1	76-13-115
	2	Effective date
234	1	23-5-112
	2	23-5-157
	3	23-5-413
	4	Effective date
235	1	Repealer
	2	Effective date
236	1	50-2-116 (replaced — sec. 2, Ch. 256)
	2	76-4-102
237	1	2-18-704
	2	13-1-101
	3	20-8-102
	4	20-8-104
	5	20-8-107
	6	20-8-116
	7	33-22-128
	8	37-16-102
	9	49-4-501
	10	49-4-502
	11	49-4-602
	12	53-19-401
	13	53-19-402
238	1	13-2-402
	2	Effective date
239	1	13-27-114
	2	Codification instruction
	3	Severability
	4	Effective date
240	1	7-1-4124
241	1	90-4-602
	2	90-4-605 (replaced — sec. 9, Ch. 241)
	3	90-4-607 (replaced — sec. 10, Ch. 241)
	4	90-4-615
	5	90-4-616
	6	90-4-619
	7	90-4-617
	8	Codification instruction
	9	Coordination instruction
	10	Coordination instruction
	11	Effective date
242	1	39-2-1601
	2	39-2-1602
	3	39-2-1603
	4	39-2-1604
	5	39-2-1605
	6	39-2-1606
	7	39-2-1607
	8	39-2-1608
	9	Codification instruction
	10	Effective date
243	1	20-6-803
	2	20-6-805 (amended — sec. 10, Ch. 739)
	3	20-6-811
	4	20-6-812
	5	Effective date
244	1	20-9-326
	2	Coordination instruction
	3	Effective date
245	1	80-11-601
	2	80-11-602
246	1	75-1-102
	2	75-1-201 (replaced — sec. 8, Ch. 246)
	3	75-1-208
	4	Severability
	5	Effective date
	6	Coordination instruction (void — sec. 8, Ch. 246)
	7	Coordination instruction (void — sec. 8, Ch. 246)
	8	Coordination instruction
	9	Applicability
247	1	37-1-143
	2	37-1-309
	3	37-1-403
	4	37-4-307
	5	37-4-406
	6	37-16-301
	7	37-18-806
	8	Repealer
	9	Codification instruction
248	1	75-1-109
	2	75-1-111
	3	5-16-102
	4	75-1-102
	5	75-1-104
	6	75-1-106
	7	75-1-201 (replaced — sec. 8, Ch. 246)
	8	75-1-208
	9	75-1-324
	10	Repealer
	11	Codification instruction
	12	Coordination instruction (void — sec. 8, Ch. 246)
	13	Effective date
249	1	75-2-111
	2	75-2-203
	3	75-2-207
	4	75-2-301
	5	Effective date
250	1	27-34-101
	2	27-34-102
	3	27-34-103
	4	27-34-104
	5	27-34-105
	6	27-34-106
	7	27-34-107
	8	27-34-108
	9	27-34-109
	10	27-34-110
	11	27-34-111
	12	27-34-112
	13	Codification instruction
	14	Saving clause
	15	Severability
	16	Effective date
	17	Applicability
251	1	13-1-301
	2	Effective date
252	1	37-1-136
	2	37-10-301
	3	37-11-301
	4	37-26-401
	5	37-54-201
	6	Repealer
253	1	87-2-815
254	1	37-56-109

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	2	Codification instruction
	3	Applicability
255	1	61-8-303
	2	61-8-725
256	1	50-2-116 (replaced — sec. 2, Ch. 256)
	2	Coordination instruction
	3	Coordination instruction
257	1	26-1-701
	2	26-1-703
	3	26-1-706
	4	Applicability
258	1	70-17-210
259	1	87-2-801
260	1	87-2-821
	2	87-2-822
	3	Codification instruction
261	1	7-32-4101
	2	Unfunded mandate laws superseded
	3	Severability
262	1	37-1-148
	2	Codification instruction
263	1	27-1-760
	2	Codification instruction
	3	Effective date
	4	Applicability
264	1	23-2-535
	2	61-2-302
	3	61-5-212
	4	61-5-231
	5	61-8-805
	6	61-8-1001
	7	61-8-1002
	8	61-8-1007
	9	61-8-1008
	10	61-8-1009
	11	61-8-1011
265	1	40-5-209
	2	Notification to tribal governments
266	1	39-71-407
	2	Applicability
267	1	13-25-307
	2	Effective date
268	1	60-2-209
	2	60-4-108
	3	Effective date
269	1	50-4-1302
	2	50-4-1303
	3	50-4-1309
	4	50-4-1315
	5	Codification instruction
	6	Severability
	7	Effective date
270	1	16-4-418
271	1	2-3-214
272	1	7-1-4127
	2	7-12-4179
	3	7-12-4329
	4	7-12-4425
	5	7-12-4426
	6	15-6-221
	7	69-7-111
	8	76-1-602
	9	76-2-303
	10	76-2-306
	11	76-3-503
	12	76-3-605
	13	76-3-623
	14	76-8-107
	15	76-25-307
273	1	50-16-546
	2	Codification instruction
274	1	33-32-209
	2	33-32-210
	3	33-32-102 (replaced — sec. 4, Ch. 612)
	4	33-32-107
	5	Codification instruction
	6	Effective date
275	1	49-1-301
	2	49-1-302
	3	49-1-303
	4	49-1-304
	5	Codification instruction
	6	Severability
	7	Effective date
276	1	50-31-511
	2	50-31-512
	3	50-31-103
	4	50-31-203
	5	50-31-501
	6	81-9-217
	7	Codification instruction
277	1	53-21-606
	2	Codification instruction
278	1	13-1-112
	2	Effective date
279	1	37-1-144
	2	37-1-323
	3	37-1-131
	4	37-1-307
	5	37-1-319
	6	37-3-201
	7	37-4-201
	8	37-8-409
	9	37-8-421
	10	37-11-310
	11	37-14-102
	12	37-14-301
	13	37-14-305
	14	37-14-306
	15	37-14-307
	16	37-15-103
	17	37-17-302
	18	37-18-603
	19	37-19-402
	20	37-19-703
	21	37-27-105
	22	37-27-201
	23	37-27-203
	24	37-28-104
	25	37-31-302
	26	37-31-305
	27	37-31-312
	28	37-36-201
	29	37-40-203
	30	37-40-302
	31	37-49-202
	32	37-51-324
	33	37-54-212
	34	37-56-106
	35	37-60-303
	36	37-68-311
	37	37-69-306
	38	37-73-203
	39	Repealer
	40	Codification instruction
280	1	46-9-201
281	1	13-2-220
	2	Effective date
282	1	39-71-117
	2	39-71-201
	3	39-71-306

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	4	39-71-1036
283	1	Repealer
284	1	37-1-150
	2	37-2-701
	3	28-10-103
	4	37-1-312
	5	37-1-314
	6	37-1-316
	7	37-1-321
	8	37-1-406
	9	37-1-408
	10	37-1-410
	11	37-3-104
	12	37-3-404 (renumbered 37-2-704)
	13	37-3-405 (renumbered 37-2-705)
	14	37-4-313
	15	Repealer
	16	Directions to code commissioner
	17	Codification instruction
285	1	2-15-1754
	2	37-78-101
	3	37-78-102
	4	37-78-201
	5	37-11-101
	6	37-15-102
	7	37-24-103
	8	37-36-101
	9	37-36-201
	10	Repealer
	11	Name change — directions to code commissioner
	12	Codification instruction
	13	Saving clause
	14	Severability
	15	Effective date
286	1	27-6-605
	2	27-12-605
	3	37-3-404
	4	37-3-405
	5	Repealer
287	1	7-21-2412
	2	Repealer
	3	Codification instruction
288	1	37-28-401
	2	37-28-204
	3	Codification instruction
	4	Contingent effective date
289	1	60-1-244
	2	Codification instruction
	3	Effective date
290	1	Repealer
	2	Effective date
291	1	87-3-602
	2	87-3-604
292	1	37-11-105
	2	Effective date
293	1	13-37-126
	2	Effective date
	3	Applicability
294	1	25-9-411
	2	Effective date
295	1	35-8-1215
	2	35-8-1216
	3	35-8-1205
	4	Codification instruction
296	1	33-15-206
	2	72-6-412
	3	Effective date
297	1	75-1-209
	2	75-1-210
	3	18-2-109
	4	Exemption from environmental review (void — sec. 8, Ch. 297)
	5	75-1-220
	6	Codification instruction
	7	Severability
	8	Coordination instruction
	9	Effective date
298	1	61-8-806
	2	61-8-1001
	3	61-8-1002
	4	61-8-1016
299	1	23-2-502
	2	23-2-511
	3	23-2-512
	4	23-2-524
	5	23-2-525
	6	23-2-527
	7	23-2-531
	8	23-2-533
	9	Repealer
	10	Effective date
300	1	20-7-120
	2	Effective date
301	1	2-4-302
	2	2-4-305
	3	2-4-306
	4	2-4-307
	5	53-6-113
	6	Effective date
302	1	53-6-149
	2	Effective date
303	1	7-32-2220
	2	Codification instruction
304	1	40-6-408
	2	Appropriation
	3	Codification instruction
	4	Effective date
	5	Termination
305	1	7-4-2508
306	1	2-15-2501
307	1	16-3-302
	2	16-4-315
	3	16-4-1005
	4	Effective date
308	1	45-8-346
	2	45-8-405
	3	Codification instruction
309	1	2-1-215
	2	2-1-216
310	1	2-15-1752
	2	37-46-101
	3	37-46-102
	4	37-46-103
	5	37-14-102
	6	37-14-305
	7	37-14-322
	8	37-28-102
	9	37-28-202
	10	37-34-103
	11	37-34-305
	12	Repealer
	13	Name change — directions to code commissioner
	14	Codification instruction
	15	Saving clause

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	16	Severability
	17	Effective date
311	1	61-8-707
	2	61-8-316
	3	Codification instruction
312	1	2-15-3112
	2	Notification to tribal governments
	3	Effective date
313	1	20-4-503
	2	20-4-504
	3	20-4-505
	4	Effective date
	5	Applicability
314	1	76-3-207
315	1	27-1-522
	2	Codification instruction
316	1	7-35-2151
	2	Codification instruction
317	1	35-8-1401
	2	35-8-1402
	3	35-8-1403
	4	35-8-1404
	5	35-8-1405
	6	35-8-1406
	7	35-8-1407
	8	35-8-1408
	9	35-8-1409
	10	Codification instruction
318	1	5-5-502
	2	Codification instruction
	3	Effective date
319	1	33-32-108
	2	33-32-109
	3	2-18-704
	4	Codification instruction
	5	Effective date
	6	Applicability
320	1	20-1-306
	2	Effective date
321	1	53-30-155
	2	Codification instruction
	3	Effective date
322	1	20-5-420
	2	20-5-422
	3	Codification instruction
	4	Effective date
323	1	2-15-124
	2	2-15-1019
	3	2-15-1822
	4	2-15-2305
	5	2-15-2502
	6	2-15-3110
	7	2-15-3402
	8	2-15-3406
	9	Transition
	10	Effective date
324	1	46-18-203
	2	46-18-401
325	1	76-2-118
	2	76-2-229
326	1	82-4-232
	2	Severability
	3	Contingent voidness
	4	Effective date
327	1	15-1-121
	2	41-3-210
328	1	Department to amend rule
	2	7-13-2226
	3	7-13-4346
	4	Codification instruction
	5	Effective date
329	1	20-7-1324
	2	Effective date
330	1	2-15-211
	2	22-3-804
	3	90-7-201
	4	Notification to tribal governments
	5	Effective date
331	1	49-5-101
	2	49-5-102
	3	Codification instruction
332	1	45-8-111
333	1	87-1-217
	2	Notification to tribal governments
334	1	90-5-101
	2	Effective date
335	1	50-61-122
	2	50-61-106
	3	Codification instruction
	4	Effective date
336	1	42-7-201
	2	42-7-202
	3	42-7-203
	4	42-7-204
	5	Codification instruction
	6	Severability
337	1	39-51-409
	2	90-14-103
338	1	Department to amend rules
	2	75-5-322
	3	75-5-103
	4	Repealer
	5	Repealer
	6	Codification instruction
	7	Effective date
339	1	53-25-103
	2	Effective date
	3	Retroactive applicability
340	1	41-3-101
	2	41-3-450
341	1	46-4-308
	2	Codification instruction
	3	Effective date
342	1	13-35-211
	2	Notification to tribal governments
	3	Effective date
343	1	61-9-226
344	1	30-12-301
	2	50-49-203
	3	50-50-102
	4	80-3-302
	5	Effective date
345	1	30-23-101
	2	30-23-102
	3	30-23-103
	4	30-23-104
	5	30-23-105
	6	44-6-104
346	1	37-50-305
	2	Effective date
347	1	85-2-428
	2	85-2-102
	3	85-2-404

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	4	Codification instruction
348	1	75-1-211
	2	75-1-201 (replaced — sec. 8, Ch. 246)
	3	75-1-202
	4	75-1-220
	5	Codification instruction
	6	Severability
	7	Effective date
349	1	2-15-2046
	2	2-15-2047
	3	2-15-2040
	4	2-15-2041
	5	2-15-2042
	6	2-15-2043
	7	2-15-2044
	8	2-15-2045
	9	Codification instruction
	10	Effective date
350	1	16-12-104
	2	16-12-201
	3	16-12-210
	4	16-12-223
	5	16-12-224
	6	16-12-301
	7	Effective date
351	1	3-1-611
352	1	25-10-711
	2	Effective date
	3	Applicability
353	1	3-1-814
	2	Office of court administrator procedure
	3	Codification instruction
	4	Effective dates
354	1	27-31-201
355	1	61-6-401
	2	61-6-402
	3	61-6-403
	4	61-6-409
	5	61-6-420
	6	61-6-421
	7	Codification instruction
356	1	46-18-203
	2	46-23-1011
357	1	25-2-127
	2	25-2-118
	3	25-2-125
	4	25-2-126
	5	25-2-201
	6	Codification instruction
	7	Saving clause
358	1	20-1-102
	2	20-7-1316
	3	Effective date
359	1	87-1-266
	2	87-2-513
	3	87-2-516
	4	87-2-705
	5	87-2-714
	6	87-2-735
	7	Effective date
360	1	70-24-114
	2	70-33-110
361	1	72-17-102
	2	72-17-302
	3	Effective date
362	1	75-7-218
	2	Codification instruction
	3	Effective date
363	1	20-11-106
	2	Effective date
364	1	50-5-248
	2	20-7-419
	3	20-7-436
	4	50-5-101
	5	Codification instruction
365	1	37-61-102
366	1	53-2-606
	2	Repealer
	3	Transition
	4	Saving clause
	5	Effective dates
	6	Applicability
367	1	75-10-1307
	2	75-10-1308
	3	75-10-1301
	4	75-10-1302
	5	75-10-1303
	6	75-10-1304
	7	75-10-1305
	8	75-10-1306
	9	Codification instruction
368	1	50-60-203
369	1	76-2-105
	2	76-2-113
	3	76-2-208
	4	76-2-210
	5	76-2-302
	6	76-2-308
	7	76-2-316
	8	76-25-301
	9	Codification instruction
	10	Effective date
370	1	46-23-1029
	2	Codification instruction
371	1	Sec. 15, Ch. 774, L. 2023
	2	Effective date
	3	Retroactive applicability
372	1	37-3-301
	2	37-10-202
	3	37-13-201
	4	37-13-304
	5	37-15-202
	6	37-18-305
	7	37-24-202
	8	37-50-201
	9	37-51-201
	10	37-66-303
	11	37-68-201
	12	Repealer
373	1	87-2-516
	2	87-2-705
	3	Effective date
374	1	20-7-1316
	2	Effective date
375	1	18-4-132
	2	18-4-127
	3	Codification instruction
	4	Effective date
376	1	76-2-119
	2	76-2-202
	3	76-2-302
	4	76-25-103
	5	76-25-303
	6	77-1-902
	7	Codification instruction
377	1	75-1-112
	2	75-6-121
	3	76-4-104
	4	76-4-136
	5	Codification instruction
378	1	61-9-435
379	1	30-24-101

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	2	30-24-103
	3	30-24-104
	4	30-24-105
	5	30-24-106
	6	30-24-107
	7	30-24-108
	8	30-24-109
	9	30-24-102
	10	30-10-105
	11	Codification instruction
380	1	20-1-232
	2	Effective date
381	1	13-13-114
	2	13-13-602
	3	13-15-107
	4	Saving clause
	5	Severability
	6	Effective date
382	1	46-5-603
	2	46-5-112
	3	46-5-602
	4	Codification instruction
383	1	1-1-110
	2	Codification instruction
384	1	15-7-141
	2	Codification instruction
	3	Applicability
385	1	15-2-301
	2	Applicability
386	1	Montana blockchain and digital innovation task force — membership — duties — reporting
	2	Effective date
	3	Termination
387	1	3-1-130
	2	3-1-701
	3	3-1-702
	4	Effective date
	5	Retroactive applicability
388	1	5-4-306
	2	Effective date
	3	Retroactive applicability
389	1	69-5-201
	2	69-5-202
390	1	2-2-121
	2	13-1-101
	3	13-13-241
	4	13-37-219
	5	13-37-226
	6	13-37-234
	7	Effective date
391	1	7-33-4107
	2	7-33-4108
392	1	20-7-1310
	2	Effective date
393	1	71-3-1203
394	1	50-31-239
	2	Codification instruction
	3	Effective date
395	1	2-6-1501
	2	49-4-303
	3	61-1-101
	4	61-3-109
	5	61-3-201
	6	61-3-202
	7	61-3-204
	8	61-3-210
	9	61-3-217
	10	61-3-220
	11	61-3-224
	12	61-3-303
	13	61-3-321
	14	61-3-401
	15	61-3-405
	16	61-3-412
	17	61-3-413
	18	61-4-101
	19	61-4-125
	20	61-4-128
	21	61-4-129
	22	61-4-225
	23	61-4-301
	24	61-5-105
	25	61-5-111
	26	61-5-119
	27	61-5-201
	28	61-8-1016
	29	61-8-1017
	30	61-8-1032
	31	61-12-501
	32	Repealer
396	1	60-1-243
	2	Codification instruction
	3	Effective date
397	1	3-6-103
398	1	15-7-137
	2	Codification instruction
399	1	52-2-629
	2	52-2-630
	3	7-4-2631
	4	20-25-515
	5	50-15-111
	6	61-5-111
	7	61-5-114
	8	61-12-504
	9	Unfunded mandate laws superseded
	10	Codification instruction
400	1	61-8-310
401	1	61-8-318
	2	61-8-327
	3	Codification instruction
402	1	87-1-262
	2	Codification instruction
403	1	37-56-104
	2	Effective date
404	1	46-5-227
	2	Effective date
405	1	5-5-113
	2	45-7-313
	3	5-5-109
	4	5-11-107
	5	Codification instruction
	6	Effective date
406	1	90-4-1302
	2	90-4-1304
	3	90-4-1305
	4	90-4-1306
	5	90-4-1307
	6	Effective date
407	1	20-1-232
	2	28-2-903
	3	Effective date
408	1	20-7-1709
	2	Effective date
409	1	13-2-304
	2	13-21-104
	3	Nonsevera-bility
410	1	45-6-210
	2	Codification instruction
	3	Effective date

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411	1	13-10-311
	2	Effective date
412	1	61-8-1002
413	1	31-4-102
	2	31-4-104
	3	31-4-108
	4	31-4-118
	5	31-4-120
	6	31-4-201
	7	31-4-202
	8	31-4-203
	9	31-4-204
	10	31-4-205
	11	31-4-206
	12	Codification instruction
	13	Severability
	14	Effective date
	15	Applicability
414	1	7-34-2201
	2	33-36-103
	3	50-5-101
	4	50-5-201
	5	50-5-203
	6	50-5-204
	7	50-5-207
	8	50-5-226
	9	50-6-401
	10	50-20-901
	11	52-2-736
	12	52-2-806
	13	52-4-203
	14	53-6-101
	15	53-20-302
	16	53-20-305
415	1	2-15-1731
	2	37-1-401
	3	37-3-102
	4	37-3-203
	5	39-71-118
	6	50-6-104
	7	50-6-105
	8	50-6-201
	9	50-6-202
	10	50-6-203
	11	50-6-302
	12	50-6-323
	13	50-32-603
	14	61-2-502
	15	Effective date
416	1	Authorization to provide loans
	2	Projects not completing requirements — projects reauthorized
	3	Coal severance tax bonds authorized
	4	Condition of loans
	5	Private and discount purchase of loans
	6	Appropriations established
	7	Creation of state debt — two-thirds vote required — appropriation of coal severance tax — three-fourths vote required — bonding provisions
	8	Notification to tribal governments
	9	Severability
	10	Effective date
417	1	Repealer
	2	Effective date
418	1	75-6-132
	2	75-6-104
	3	75-6-108
	4	75-6-115
	5	Codification instruction
	6	Effective date
419	1	90-4-602
	2	90-4-605 (replaced — sec. 9, Ch. 241)
	3	90-4-606
	4	90-4-607 (replaced — sec. 10, Ch. 241)
	5	90-4-613
	6	90-4-614
	7	90-4-615
	8	90-4-616
	9	90-4-617
	10	90-4-625
	11	Repealer
	12	Saving clause
	13	Effective date
420	1	15-27-101
	2	15-27-102
	3	15-27-103
	4	15-27-104
	5	15-27-105
	6	15-27-106
	7	15-27-107
	8	15-27-108
	9	15-27-109
	10	15-27-110
	11	15-27-111
	12	15-27-112
	13	15-27-113
	14	53-6-152
	15	17-7-502
	16	Direction to department of revenue
	17	Codification instruction
	18	Appropriations
	19	Contingent effective date
	20	Contingent voidness
	21	Termination
421	1	15-6-201
	2	87-1-603
	3	Effective date
	4	Retroactive applicability
422	1	20-20-109
	2	Effective date
423	1	70-17-210
	2	Effective date
424	1	7-15-4291
	2	15-1-402
	3	20-3-209
	4	20-3-324
	5	20-5-323
	6	20-5-324
	7	20-6-702
	8	20-9-101
	9	20-9-104
	10	20-9-131
	11	20-9-141
	12	20-9-212
	13	20-9-235

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	14	20-9-306 (replaced — sec. 27, Ch. 424)
	15	20-9-308
	16	20-9-310
	17	20-9-336 (replaced — sec. 28, Ch. 424)
	18	20-9-366 (replaced — sec. 30, Ch. 424)
	19	20-9-367
	20	20-9-368
	21	20-9-369
	22	20-9-515
	23	20-9-362
	24	Repealer
	25	Transition
	26	Codification instruction
	27	Coordination instruction
	28	Coordination instruction
	29	Effective date
	30	Coordination instruction
	31	Applicability
425	1	7-6-1501
	2	Coordination instruction
	3	Coordination instruction
	4	Effective date
426	1	80-6-1102
	2	80-6-1106
	3	80-6-1109
	4	80-6-1111
	5	Repealer
	6	Repealer
	7	Transfer of funds
	8	Effective dates
427	1	2-21-101
	2	2-21-102
	3	2-21-103
	4	2-21-104
	5	Codification instruction
	6	Severability
428	1	3-15-405
	2	3-15-411
	3	3-15-501
	4	46-16-112
	5	Severability
	6	Effective date
	7	Applicability
429	1	37-68-315
430	1	80-7-1014
431	1	20-5-320
	2	20-5-322
	3	20-5-323 (amended — sec. 9, Ch. 431)
	4	20-5-324
	5	20-7-118
	6	20-7-421
	7	20-9-505
	8	Effective date
	9	Coordination instruction
	10	Applicability
432	1	87-1-901
	2	Effective date
433	1	87-1-213
	2	2-6-1003
	3	Codification instruction
434	1	Repealer
435	1	77-2-101
	2	77-2-102
	3	77-2-105
	4	Effective date
436	1	Repealer
	2	Effective date
437	1	7-4-2503
438	1	41-5-206
	2	41-5-208
	3	41-5-1302
	4	41-5-1501
	5	41-5-1605
439	1	5-11-222
	2	20-3-326
	3	20-5-101
	4	20-7-1801
	5	20-7-1802
	6	20-7-1803
	7	20-7-1804
	8	20-9-311
	9	Transition
	10	Effective date
440	1	2-15-2218
	2	33-22-2104
	3	61-3-303
	4	61-14-101
	5	Appropriation
441	1	60-2-129
442	1	17-6-410
	2	22-3-1308
	3	39-11-206
	4	90-1-110
	5	90-1-206
	6	90-1-505
	7	90-6-151
	8	90-6-508
	9	90-6-606
	10	Notification to tribal governments
	11	Codification instruction
	12	Effective date
443	1	19-20-735
	2	Codification instruction
	3	Effective date
	4	Termination
444	1	2-1-701
	2	Codification instruction
	3	Severability
	4	Effective date
445	1	15-70-401
	2	15-70-402
	3	15-70-403
	4	15-70-404
	5	15-70-441
	6	Effective date
446	1	45-6-203
	2	Applicability
447	1	70-17-112
448	1	19-17-404
	2	Effective date
449	1	19-20-734
	2	Sec. 6, Ch. 135, L. 2023
	3	Effective date
	4	Termination
450	1	25-10-711
	2	26-1-109
	3	Codification instruction
	4	Effective date
	5	Retroactive applicability
451	1	37-15-303
	2	Effective date
452	1	70-16-110

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	2	Codification instruction
453	1	85-2-313
	2	85-2-315
	3	85-2-402
	4	Notification to tribal governments
454	1	37-68-305
	2	Effective date
455	1	46-30-205
	2	46-30-414
	3	46-30-101
	4	46-30-102
	5	46-30-202
	6	46-30-203
	7	46-30-204
	8	46-30-211
	9	46-30-212
	10	46-30-213
	11	46-30-214
	12	46-30-215
	13	46-30-217
	14	46-30-218
	15	46-30-225
	16	46-30-226
	17	46-30-228
	18	46-30-229
	19	46-30-302
	20	46-30-303
	21	46-30-304
	22	46-30-401
	23	46-30-402
	24	46-30-411
	25	46-30-412
	26	Codification instruction
456	1	10-4-105
	2	10-4-106
	3	10-4-107
	4	10-4-108
	5	10-4-201
	6	10-4-213
	7	10-4-214
	8	10-4-305
	9	10-4-306
457	1	5-4-306
	2	Effective date
458	1	20-1-603
	2	20-1-604
459	1	87-5-131
460	1	15-70-433
	2	15-70-450
	3	17-1-102
	4	37-1-107
	5	39-51-706
	6	53-6-116
	7	60-3-304
	8	60-3-309
	9	61-10-154
	10	85-1-203
	11	85-1-501
	12	87-2-702
	13	90-1-182
	14	Repealer
461	1	53-30-156
	2	53-30-131
	3	53-30-132
	4	Codification instruction
	5	Effective date
	6	Termination
462	1	20-7-1601
	2	20-7-1602
	3	20-7-1605
	4	Sec. 7, Ch. 402, L. 2019
	5	Codification instruction
	6	Coordination instruction
	7	Effective date
	8	Termination
463	1	45-5-206
	2	45-5-503
	3	45-5-507
	4	45-5-627
	5	45-6-101
	6	46-18-101
	7	46-18-242
	8	46-18-246
464	1	82-4-203
	2	82-4-222
	3	Severability
	4	Contingent voidness
	5	Effective date
	6	Retroactive applicability
465	1	53-6-130
	2	Codification instruction
466	1	20-3-205
	2	20-3-302
	3	20-3-312
	4	20-3-342
	5	20-6-202
	6	20-6-314
	7	20-6-410
	8	20-6-411
	9	20-6-413
	10	20-6-414
	11	20-6-423
	12	20-6-424
	13	20-6-704
	14	20-9-311
	15	20-9-502
	16	Effective date
467	1	2-16-405
	2	Applicability
468	1	15-30-2503
469	1	60-4-402
	2	60-4-403
	3	Effective date
470	1	2-17-425
	2	Effective date
471	1	53-6-1308
472	1	13-2-110
	2	13-13-201
	3	13-13-213
	4	13-13-232
	5	13-13-241
	6	13-13-245
	7	13-13-246
	8	13-15-201
	9	13-17-212
	10	13-19-106
	11	13-19-301
	12	13-19-304
	13	13-19-312
473	1	33-17-1601
	2	33-17-1602
	3	33-26-109
	4	Codification instruction
474	1	33-2-2005
	2	33-22-170
	3	33-22-171
	4	33-22-172
	5	33-22-175
	6	33-22-177
	7	Applicability
	8	Termination
475	1	75-11-701
	2	75-11-702
	3	75-11-703
	4	75-11-704
	5	75-11-705
	6	75-11-706
	7	75-11-707
	8	75-11-708
	9	17-7-502

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	10	75-11-309
	11	Repealer
	12	Notification to tribal governments
	13	Transfer of funds
	14	Codification instruction
476	1	15-53-129
	2	17-7-502
	3	69-3-225
	4	69-3-302
	5	69-3-305
	6	69-3-803
	7	69-3-805 (void — sec. 11, Ch. 476)
	8	69-3-850
	9	Repealer
	10	Codification instruction
	11	Coordination instruction
	12	Effective date
477	1	5-2-304
	2	19-2-303
	3	19-2-406 (amended — sec. 27, Ch. 477)
	4	19-2-506
	5	19-2-704
	6	19-2-801
	7	19-2-908
	8	19-2-1005
	9	19-2-1007
	10	19-3-108
	11	19-3-412
	12	19-3-505
	13	19-3-1103
	14	19-3-1106
	15	19-5-101
	16	19-5-802
	17	19-6-101
	18	19-7-101
	19	19-7-1101
	20	19-8-101
	21	19-8-601
	22	19-8-1003
	23	19-9-104
	24	19-9-1101
	25	19-13-104
	26	19-13-902
	27	Coordination instruction
	28	Effective dates
478	1	Study of state fire suppression issues, methods, and costs
	2	Appropriation
	3	Contingent voidness
	4	Effective date
	5	Termination
479	1	2-6-1006
	2	2-6-1006
	3	2-6-1009
	4	Severability
	5	Effective dates
	6	Termination
480	1	7-4-2632
	2	7-4-2635
	3	7-4-2637
	4	Effective date
	5	Applicability
481	1	37-55-101
	2	37-55-102
	3	37-55-103
	4	37-55-104
	5	37-1-401
	6	39-9-101 (void — sec. 14(1), Ch. 481)
	7	39-9-102 (void — sec. 14(2), Ch. 481)
	8	39-9-206 (void — sec. 14(3), Ch. 481)
	9	39-9-207 (void — sec. 14(4), Ch. 481)
	10	39-9-301 (void — sec. 14(5), Ch. 481)
	11	39-9-303 (void — sec. 14(6), Ch. 481)
	12	Repealer
	13	Codification instruction
	14	Coordination instruction
	15	Effective date
482	1	20-3-325
	2	20-6-326
	3	20-6-812
	4	20-7-102
	5	20-7-1404
	6	20-7-1503
	7	20-7-1506
	8	20-7-1602
	9	20-9-306
	10	20-9-324
	11	20-9-327 (amended — sec. 4, Ch. 594, and sec. 7(2), Ch. 671)
	12	20-9-344
	13	20-9-366
	14	20-9-381
	15	20-9-382
	16	20-9-383
	17	20-9-384
	18	Transition (amended — sec. 7(3), Ch. 671)
	19	Codification instruction
	20	Appropriation
	21	Effective date
	22	Applicability
483	1	50-60-119
	2	Codification instruction
484	1	45-5-801
	2	45-5-802
	3	45-5-803
	4	45-5-804
	5	44-15-103
	6	45-6-332 (replaced — sec. 9, Ch. 583)
	7	46-16-222
	8	46-18-104
	9	46-18-111
	10	46-23-502
	11	46-23-509
	12	52-3-803
	13	Repealer
	14	Codification instruction
485	1	33-16-117
	2	Codification instruction
486	1	75-6-102

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	2	75-6-104
	3	75-6-130
	4	76-3-103
	5	76-3-507
	6	76-4-102
	7	76-4-120
	8	76-8-101 (void — sec. 7, Ch. 589)
487	1	Repealer
	2	Effective date
488	1	16-4-312
	2	16-4-401
	3	Effective date
489	1	Repealer
490	1	37-1-149
	2	Codification instruction
	3	Saving clause
	4	Effective date
491	1	10-2-901
	2	10-2-902
	3	10-2-903
492	1	20-3-363
	2	20-9-306
	3	Effective date
493	1	Short title
	2	Nonresident hunting impact study
	3	Effective date
	4	Termination
494	1	67-1-106
	2	Codification instruction
495	1	53-21-1014
	2	53-21-1015
	3	53-21-1016
	4	Codification instruction
	5	Effective date
496	1	17-6-606
	2	53-4-1115
497	1	85-2-404
498	1	46-18-201
	2	46-18-203
	3	46-18-403
	4	Effective date
	5	Applicability
499	1	2-15-2029
	2	7-32-303
	3	Effective date
500	1	16-12-224
	2	Effective date
501	1	23-5-119
	2	Effective date
502	1	3-5-403
503	1	75-20-206
	2	75-20-204
	3	Codification instruction
	4	Effective date
504	1	82-4-303
	2	82-4-335
	3	82-4-337
	4	82-4-377
	5	82-4-380
	6	Effective date
505	1	50-60-124
	2	75-2-124
	3	Codification instruction
506	1	53-30-116
	2	53-30-106
	3	Codification instruction
507	1	61-5-123
508	1	5-1-102
509	1	46-18-240
	2	45-5-106
	3	46-18-201
	4	46-18-241
	5	Codification instruction
510	1	76-2-303
	2	Repealer
511	1	76-3-207
	2	Effective date
512	1	7-13-2233
	2	Effective date
513	1	82-4-340
	2	82-4-341
	3	Severability
	4	Effective date
514	1	39-11-501
	2	Codification instruction
	3	Effective date
515	1	2-15-1782
516	1	39-6-101
	2	39-6-103
	3	39-6-106
	4	39-6-107
517	1	50-20-809
	2	Codification instruction
518	1	53-6-1501
	2	53-6-1502
	3	53-6-1503
	4	Transition
	5	Appropriation
	6	Codification instruction
	7	Effective date
	8	Retroactive applicability
519	1	16-1-106
	2	16-4-414
	3	Effective date
520	1	75-5-412
	2	Directions to department
	3	Codification instruction
	4	Severability
	5	Effective date
521	1	61-8-319
	2	Codification instruction
522	1	7-5-2111
	2	7-5-4104
	3	Effective date
523	1	52-3-816 (replaced — sec. 5, Ch. 523)
	2	52-3-817 (replaced — sec. 6, Ch. 523)
	3	52-3-812
	4	Codification instruction
	5	Coordination instruction
	6	Coordination instruction
524	1	37-15-301
	2	37-15-301
	3	Effective date — contingent effective date
	4	Contingent termination
525	1	30-25-201
	2	30-25-202
	3	30-25-203
	4	30-25-204
	5	Codification instruction
	6	Severability
	7	Effective date
526	1	13-37-221

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	2	Codification instruction
527	1	87-1-265
528	1	7-14-202
	2	7-14-203
	3	7-14-205
	4	7-14-206
	5	7-14-207
	6	7-14-208
	7	7-14-209
	8	7-14-210
	9	7-14-241
	10	7-14-4401
	11	7-14-4402
	12	7-14-4403
	13	7-14-4404
	14	7-14-4405
529	1	81-7-701
	2	81-7-702
	3	81-7-703
	4	81-7-704
	5	81-7-705
	6	81-7-303
	7	81-7-603
	8	Codification instruction
530	1	15-1-116
	2	Effective date
531	1	27-30-101
	2	27-30-106
	3	27-30-107
	4	27-30-205
	5	27-30-206
	6	27-30-207
	7	27-30-204
	8	27-30-303
	9	27-30-304
	10	27-30-305
	11	27-30-306
	12	Repealer
	13	Codification instruction
	14	Applicability — nonapplicability
532	1	16-12-112
	2	16-12-215
	3	Effective date
533	1	44-4-402
	2	Effective date
534	1	50-16-535
	2	50-16-811
535	1	5-7-112
	2	5-7-208
536	1	2-15-1731
	2	20-4-502
	3	20-9-327
	4	37-25-101
	5	37-25-102
	6	37-25-201
	7	37-25-309
	8	37-25-310
	9	37-25-311
	10	37-25-303
	11	37-25-304
	12	37-25-305
	13	Provisional and limited permits (void — sec. 16, Ch. 536)
	14	Repealer
	15	Codification instruction
	16	Coordination instruction
537	1	7-1-118
	2	7-1-111
	3	Codification instruction
	4	Severability
538	1	20-7-330
	2	Directions to code commissioner
539	1	50-5-1310
	2	50-5-1311
	3	50-5-110
	4	50-5-1301
	5	50-5-1303
	6	Codification instruction
540	1	87-1-626
	2	87-1-627
	3	17-7-502
	4	Transfer of funds
	5	Notification to tribal governments
	6	Codification instruction
	7	Effective date
541	1	13-35-801
	2	13-35-802
	3	13-35-803
	4	13-35-804
	5	Codification instruction
	6	Severability
542	1	25-10-712
	2	25-10-711
	3	Codification instruction
	4	Applicability
543	1	75-11-505
	2	Effective date
544	1	3-1-1106
	2	3-1-1123
545	1	15-30-2120 (amended — sec. 3, Ch. 734)
	2	15-30-2339
	3	15-30-2342
	4	15-30-2538
	5	15-62-103
	6	15-62-207
	7	53-25-117
	8	Repealer
	9	Effective date
	10	Retroactive applicability
546	1	19-3-316 (void — sec. 44(1), Ch. 775)
	2	19-6-404
	3	19-7-404
	4	19-8-504
	5	Effective date
547	1	13-15-403
	2	13-16-201
	3	Effective date
548	1	33-28-201
	2	Applicability
549	1	Sec. 3, Ch. 137, L. 2021
	2	Sec. 1, Ch. 573, L. 2023
	3	Effective date
550	1	15-64-101
	2	16-12-102
	3	16-12-104
	4	16-12-125
	5	16-12-203
	6	16-12-221
	7	16-12-224
	8	Effective dates
	9	Applicability
551	1	61-5-111
	2	61-12-501

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	3	Legislative intent
	4	Severability
	5	Applicability
552	1	Allocation
	2	Notification to tribal governments
	3	Effective date
	4	Termination
553	1	87-3-126
	2	87-6-208
554	1	7-6-620
	2	15-10-420
	3	Codification instruction
	4	Applicability
555	1	2-3-102
	2	2-3-104
	3	7-2-4734
	4	76-2-310
	5	76-4-125
	6	76-4-127
	7	76-25-103
	8	76-25-104
	9	76-25-106
	10	76-25-301
	11	76-25-305
	12	76-25-408
	13	76-25-410
	14	76-25-503
	15	Effective date
	16	Termination
556	1	7-6-1601
	2	7-6-1602
557	1	20-1-501
	2	20-1-502
	3	20-1-503
	4	20-7-101
	5	20-9-329
	6	Notification to tribal governments
	7	Effective date
558	1	20-9-537
	2	Notification to tribal governments
	3	Effective date
559	1	37-47-303
	2	Effective date
560	1	50-4-1405
	2	27-2-205
	3	Repealer
	4	Codification instruction
	5	Severability
	6	Effective date
561	1	1-1-216
	2	Notification to Montana supreme court
	3	Notification to local governments
	4	Notification to tribal governments
562	1	5-5-227
	2	15-7-111
563	1	87-1-298
	2	87-1-630
	3	87-1-601
	4	87-2-903
	5	Codification instruction
	6	Effective date
564	1	15-6-134
	2	Applicability
565	1	23-2-409
	2	Effective date
566	1	46-18-227
	2	46-18-228
	3	Codification instruction
567	1	20-7-1324
	2	30-14-2802
	3	30-14-2803
	4	30-14-2804
	5	30-14-2808
	6	30-14-2812
	7	30-14-2816
	8	30-14-2817
	9	30-14-2811
	10	30-14-2818
	11	30-14-2819
	12	30-14-2820
	13	30-14-135
	14	30-14-231
	15	Repealer
	16	Codification instruction
568	1	45-8-226
	2	45-8-227
	3	45-8-228
	4	45-8-229
	5	7-23-2109
	6	27-1-715
	7	49-4-214
	8	Codification instruction
569	1	17-2-501
	2	17-2-502
	3	Notification to tribal governments
	4	Codification instruction
	5	Effective date
570	1	5-11-113
	2	2-15-143
	3	Notification to tribal governments
	4	Codification instruction
	5	Effective date
571	1	33-32-221
572	1	15-36-331
	2	82-11-161
	3	Effective date
573	1	30-14-2901
	2	30-14-2902
	3	30-14-2903
	4	Codification instruction
	5	Effective date
574	1	50-40-103
	2	Effective date
575	1	41-3-102
576	1	81-2-501
	2	81-2-502
	3	81-2-511
577	1	Continuity of approval for enrollees changing health plans (void — sec. 6(2), Ch. 577)
	2	33-32-222
	3	Prohibition on retroactive denial (void — sec. 6(1), Ch. 577)
	4	33-32-223
	5	Codification instruction
	6	Coordination instruction
	7	Applicability

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578	1	41-3-112
	2	41-3-102
	3	41-3-425
579	1	41-1-601
	2	Codification instruction
580	1	61-8-742
	2	61-8-502
	3	Codification instruction
581	1	20-5-426
	2	50-32-602
	3	50-32-607
	4	50-32-608
582	1	Transition — net operating loss and net operating loss carryover — Senate Bill No. 399 (2021) adjustments — rulemaking
	2	Effective date
	3	Retroactive applicability
583	1	45-2-101
	2	45-6-301
	3	45-6-309
	4	45-6-316
	5	45-6-317
	6	45-6-325
	7	45-6-332 (replaced — sec. 9, Ch. 583)
	8	45-6-345
	9	Coordination instruction
	10	Effective date
584	1	41-3-210
	2	41-3-211
	3	41-3-212
	4	Effective date
585	1	76-15-1002
	2	76-15-1015
	3	76-15-1005
	4	76-15-1006
	5	76-15-1011
	6	76-15-1012
	7	Repealer
	8	Codification instruction
586	1	15-30-2120
	2	Repealer
	3	Effective date
	4	Applicability
587	1	25-1-201
588	1	Repealer
	2	Notification to tribal governments
	3	Effective date
589	1	76-3-103
	2	76-3-504
	3	76-3-621
	4	76-8-101
	5	76-8-103
	6	76-8-107
	7	Coordination instruction
	8	Applicability
590	1	13-27-302
	2	Effective date
591	1	76-2-304
	2	76-25-303
	3	Effective date
592	1	15-30-3102
	2	15-30-3103
	3	15-30-3105
	4	15-30-3106
	5	Appropriation
	6	Coordination instruction
	7	Effective dates
593	1	7-2-6101
	2	7-2-6102
	3	7-2-6103
	4	7-2-6104
	5	7-2-6105
	6	7-2-6106
	7	7-2-6107
	8	7-2-6108
	9	7-34-2165
	10	Definitions (void — sec. 8, Ch. 735)
	11	Qualification for reconciliation payment — petition to qualify (void — sec. 8, Ch. 735)
	12	Proportional reconciliation of taxable valuation — reimbursement for isolated pupils (void — sec. 8, Ch. 735)
	13	Advisory council (void — sec. 8, Ch. 735)
	14	20-6-105 (void — sec. 8, Ch. 735)
	15	Codification instruction
	16	Severability
	17	Effective date
	18	Applicability
594	1	20-7-1503
	2	20-7-1506
	3	20-9-327 (void — sec. 4, Ch. 594)
	4	Coordination instruction
	5	Effective dates
595	1	69-4-106
	2	69-4-107
	3	69-4-108
	4	Codification instruction
	5	Effective date
596	1	19-2-406
	2	19-9-903
	3	19-13-803
	4	Effective date
	5	Retroactive applicability
597	1	37-77-101
	2	37-77-102
	3	37-77-103
	4	37-77-104
	5	37-1-401
	6	53-6-101
	7	Transition
	8	Codification instruction
	9	Effective date
	10	Termination
598	1	15-31-1013
	2	15-31-1002
	3	15-31-1003
	4	15-31-1004

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	5	15-31-1007
	6	15-31-1009
	7	15-31-1010
	8	Repealer
	9	Notification to tribal governments
	10	Codification instruction
	11	Effective date
	12	Retroactive applicability
599	1	Sec. 7, Ch. 433, L. 2009
	2	Notification to tribal governments
	3	Sec. 1, Ch. 352, L. 2015
	4	Effective date
600	1	33-22-2201
	2	33-22-2202
	3	33-22-2203
	4	33-22-2204
	5	33-22-2205
	6	33-18-208
	7	Codification instruction
	8	Effective date
	9	Applicability
601	1	15-6-244
	2	15-10-305
	3	Codification instruction
	4	Applicability
602	1	45-5-502
	2	46-23-502
603	1	20-5-112
	2	Effective date
604	1	Allocation
	2	Distribution of funds
	3	Appropriation
	4	Effective date
605	1	15-65-121
	2	44-4-1505
	3	44-4-1506
	4	Sec. 12, Ch. 563, L. 2021
	5	Sec. 10, Ch. 758, L. 2023
	6	Repealer
	7	Effective dates
606	1	45-5-640
	2	Codification instruction
	3	Effective date
	4	Applicability
607	1	3-1-501
	2	3-5-901
	3	3-10-402
	4	3-11-303
	5	46-14-202
	6	46-14-206
	7	46-14-221
	8	46-14-223
	9	Saving clause
	10	Effective date
608	1	3-1-501
	2	3-10-402
	3	3-11-303
	4	53-21-102
	5	53-21-126
	6	53-21-127
	7	53-21-129
	8	53-21-181
	9	53-21-193
	10	Unfunded mandate laws superseded
	11	Saving clause
	12	Effective date
609	1	53-21-154
	2	53-21-119
	3	53-21-129
	4	53-21-132
	5	53-21-140
	6	Codification instruction
	7	Saving clause
610	1	13-15-113
	2	Codification instruction
611	1	Qualifications of individuals who make or review adverse determinations (void — sec. 5, Ch. 611)
	2	Qualifications of individuals who review grievance (void — sec. 5, Ch. 611)
	3	33-32-221
	4	Codification instruction
	5	Coordination instruction
612	1	33-32-102 (replaced — sec. 4, Ch. 612)
	2	33-32-107 (void — sec. 5(1), Ch. 612)
	3	33-32-221 (void — sec. 5(2), Ch. 612)
	4	Coordination instruction
	5	Coordination instruction
613	1	41-3-901
	2	41-3-902
	3	Codification instruction
	4	Effective date
614	1	2-2-106
615	1	37-2-203
	2	37-3-401
	3	37-4-312
	4	Codification instruction
	5	Effective date
616	1	87-1-304
	2	Effective date
617	1	77-3-102
	2	77-3-117
	3	77-3-130
	4	77-3-203
	5	77-3-211
	6	77-3-212
	7	Codification instruction
	8	Effective date
618	1	50-5-226
	2	53-21-127
	3	53-21-199
619	1	76-2-215
	2	76-4-130
	3	Codification instruction
	4	Termination
620	1	15-6-135
	2	15-6-156
	3	15-6-219
	4	15-6-243
	5	Effective date
	6	Applicability

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621	1	50-5-250
	2	50-5-251
	3	50-5-252
	4	33-1-102
	5	50-5-101
	6	50-12-102
	7	50-12-103
	8	50-12-104
	9	50-12-105
	10	50-12-106
	11	50-12-107
	12	50-12-108
	13	50-12-109
	14	Codification instruction
	15	Effective date
622	1	60-1-245
	2	Codification instruction
	3	Effective date
623	1	15-6-135
	2	Effective date
	3	Retroactive applicability
624	1	46-18-203
	2	46-23-1011
625	1	76-3-512
	2	30-14-109
	3	5-5-202
	4	5-5-230
	5	5-11-222
	6	10-4-310
	7	17-7-214
	8	30-14-102
	9	69-1-222
	10	69-8-402
	11	76-3-621
	12	85-1-501
	13	90-3-1301
	14	Name change — directions to code commissioner
	15	Codification instruction
	16	Saving clause
	17	Severability
	18	Effective date
	19	Retroactive applicability
626	1	23-5-112
	2	23-5-123
	3	23-5-154
	4	23-5-162
627	1	50-5-118
	2	50-5-119
	3	50-5-120
	4	15-6-245
	5	50-5-101
	6	50-5-121
	7	Codification instruction
	8	Effective date
	9	Applicability
628	1	18-4-126
629	1	Appropriations
	2	Coordination of fund sources for grants to political subdivisions and local governments
	3	Condition of grants
	4	Appropriations established
	5	Approval of grants — completion of biennial appropriation
	6	85-1-612
	7	Notification to tribal governments
	8	Severability
	9	Coordination instruction
	10	Effective date
630	1	Appropriations for reclamation and development grants
	2	Coordination of fund sources for grants to political subdivisions and local governments
	3	Condition of grants
	4	Appropriations established
	5	Approval of grants — completion of biennial appropriation
	6	Notification to tribal governments
	7	Coordination instruction
	8	Severability
	9	Effective date
631	1	75-26-304
	2	75-26-305
	3	75-26-308
	4	Effective date
	5	Codification instruction
632	1	69-1-114
	2	69-3-1204
	3	69-3-1205
	4	69-3-1207
	5	69-3-1210
	6	69-3-1208
	7	69-8-421
	8	Appropriation
	9	Codification instruction
	10	Contingent voidness
	11	Effective date
633	1	37-43-301
	2	37-43-302
	3	37-43-306
	4	37-43-309
634	1	82-4-316
	2	82-4-305
	3	82-4-311
	4	82-4-331
	5	82-4-332
	6	82-4-335
	7	82-4-339
	8	82-4-342
	9	82-4-343
	10	Codification instruction
	11	Effective date
635	1	76-13-901
	2	76-13-902
	3	76-13-903
	4	76-13-904
	5	76-13-905
	6	76-13-906
	7	76-13-907

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	8	76-13-908
	9	50-63-102
	10	50-63-103
	11	76-13-121
	12	76-13-122
	13	Codification instruction
	14	Effective date — contingency
636	1	15-10-420
	2	17-7-502
	3	19-2-405
	4	19-2-409
	5	19-5-404
	6	19-6-404
	7	19-7-403
	8	19-7-404
	9	19-8-504
	10	Appropriations
	11	Effective dates
	12	Retroactive applicability
637	1	16-3-501
	2	16-3-502
	3	16-3-503
	4	16-3-504
	5	16-3-505
	6	16-3-506
	7	16-3-507
	8	16-3-508
	9	16-3-509
	10	16-3-510
	11	16-3-511
	12	16-3-512
	13	16-3-513
	14	16-3-514
	15	16-3-515
	16	16-3-516
	17	16-3-517
	18	16-3-518
	19	16-3-519
	20	16-3-520
	21	16-1-106
	22	16-1-303
	23	16-1-406
	24	16-1-411
	25	16-3-101
	26	16-3-104
	27	16-3-212
	28	16-3-214
	29	16-3-241
	30	16-3-242
	31	16-3-243
	32	16-3-244
	33	16-3-301
	34	16-3-316
	35	16-3-321
	36	16-3-402
	37	16-3-406
	38	16-3-411
	39	16-4-101
	40	16-4-106
	41	16-4-107
	42	16-4-313
	43	16-4-314
	44	16-4-401
	45	16-4-406
	46	16-4-407
	47	16-4-501
	48	16-4-906
	49	Repealer
	50	Codification instruction
	51	Effective date
638	1	15-30-2120
	2	Transition
	3	Effective date
	4	Applicability
639	1	30-10-209
	2	Effective date
	3	Retroactive applicability
640	1	15-6-314
	2	15-6-301
	3	15-6-302
	4	15-6-312
	5	Transition
	6	Codification instruction
	7	Applicability
641	1	5-20-301
	2	Appropriation
	3	Transition
	4	Effective date
642	1	18-5-417
	2	17-7-502
	3	Codification instruction
	4	Effective date
643	1	13-1-403
	2	13-1-502
	3	13-10-201
	4	13-10-211
	5	13-10-501
	6	13-10-502
	7	13-10-503
	8	Effective date
644	1	37-45-101
	2	37-45-102
	3	37-45-103
	4	37-45-201
	5	37-45-202
	6	37-45-203
	7	37-45-301
	8	37-45-302
	9	18-2-413
	10	18-2-414
	11	37-1-401
	12	39-9-101
	13	39-9-102
	14	39-9-206
	15	39-9-207
	16	39-9-301
	17	39-9-303
	18	39-71-401
	19	Repealer
	20	Directions to code commissioner
	21	Codification instruction
	22	Effective date
645	1	17-7-502
	2	33-22-1321
	3	Coordination instruction
	4	Effective date
	5	Termination
646	1	Montana university system investigation committee — membership — meetings
	2	Appropriation
	3	Contingent voidness
	4	Effective date
	5	Termination
647	1	20-1-308
	2	Effective date
648	1	5-3-105
	2	5-3-106
	3	Effective date
649	1	2-15-3110
	2	2-15-3111
	3	2-15-3112
	4	2-15-3113
	5	81-1-110
	6	87-1-217

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	7	Notification to tribal governments
	8	Effective date
650	1	30-25-301
	2	30-25-302
	3	30-25-303
	4	30-25-304
	5	30-25-305
	6	30-25-306
	7	30-25-307
	8	Codification instruction
651	1	46-9-105
	2	46-9-109
	3	46-9-301
652	1	13-10-211
	2	20-3-305
	3	20-20-201
	4	20-20-401
653	1	76-6-109
	2	Applicability
654	1	53-6-1601
	2	53-6-1602
	3	53-6-1603
	4	53-6-1604
	5	53-6-1605
	6	53-6-402
	7	Repealer
	8	Appropriations
	9	Codification instruction
	10	Effective date
655	1	76-13-201
	2	Effective date
656	1	70-25-201
	2	70-25-202
	3	Effective date
657	1	45-5-504
	2	46-23-502
	3	Severability
	4	Effective date
658	1	15-10-420
	2	20-9-306
	3	20-9-331
	4	20-9-333
	5	20-9-336
	6	20-9-360
	7	20-9-366
	8	20-9-367
	9	20-9-368
	10	20-9-404
	11	20-9-525
	12	20-9-533
	13	20-10-141
	14	20-10-144
	15	20-10-145
	16	20-10-146
	17	20-25-439
	18	90-6-403
	19	20-9-365 (amended — sec. 23(2), Ch. 658)
	20	School funding adjustments following 2025 legislative session — duties of superintendent of public instruction and department of revenue
	21	Codification instruction
	22	Coordination instruction
	23	Coordination instruction
	24	Effective date
	25	Applicability
659	1	5-11-222
	2	44-2-411
	3	44-2-412
	4	Notification to tribal governments
	5	Coordination instruction
	6	Coordination instruction
660	1	18-4-128
	2	18-4-128
	3	Codification instruction
	4	Effective dates
	5	Termination
661	1	2-12-104
	2	Effective date
662	1	60-6-201
	2	60-6-202
	3	60-6-203
	4	60-6-204
	5	Appropriation
	6	Codification instruction
	7	Effective dates
663	1	53-6-101
	2	53-6-116
	3	53-6-124
	4	Appropriation
	5	Effective date
664	1	Appropriation of cultural and aesthetic grant funds — priority of disbursement
	2	Appropriation of cultural and aesthetic grant funds
	3	Reversion of grant money
	4	Changes to grants on pro rata basis
	5	Effective date
665	1	Definitions
	2	Appropriations and authorizations
	3	Transfer of funds
	4	Severability
	5	Effective date
666	1	Appropriation for Montana coal endowment program grants
	2	Approval of grants — completion of biennial appropriation
	3	Condition of grants — disbursement of funds
	4	Other powers and duties of department
	5	Appropriation from Montana coal endowment special revenue account for emergency grants

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	6	Appropriation from Montana coal endowment special revenue account for infrastructure planning grants
	7	Appropriation from Montana coal endowment regional water system special revenue account
	8	Approval of funds — completion of appropriation
	9	Conditions — manner of disbursement of funds
	10	Notification to tribal governments
	11	Effective date
667	1	Appropriation for Montana historic preservation grant program
	2	Approval of grants — completion of biennial appropriation
	3	Condition of grants — disbursement of funds
	4	Supplemental appropriations
	5	Other powers and duties of department of commerce
	6	Sec. 4(1), Ch. 710, L. 2023
	7	Notification to tribal governments
	8	Effective date
668	1	37-39-101
	2	37-39-102
	3	37-39-303
	4	37-39-312
669	1	Projects for 2025-2026 interim
	2	44-7-126
	3	Appropriations
	4	Effective date
670	1	87-2-116
671	1	20-4-502
	2	20-4-503 (void — sec. 7(4), Ch. 671)
	3	20-4-702
	4	20-8-121
	5	20-9-324 (void — sec. 7(1), Ch. 671)
	6	20-9-327 (void — sec. 7(2), Ch. 671)
	7	Coordination instruction
	8	Effective dates
	9	Applicability (void — sec. 7(3), Ch. 671)
672	1	20-5-101
	2	20-9-311
	3	Effective date
	4	Applicability
673	1	5-4-208
	2	Repealer
	3	Effective date
674	1	Definitions (void — secs. 27, 29, 31, Ch. 674)
	2	Homestead reduced tax rate — application — limitations (void — secs. 27, 29, 31, Ch. 674)
	3	Rental property reduced tax rate — application — limitations (void — secs. 27, 29, 31, Ch. 674)
	4	Homestead and rental property reduced tax rates — improper approval — penalty for false or fraudulent application (void — secs. 27, 29, 31, Ch. 674)
	5	Appeal of denial of reduced tax rate (void — secs. 27, 29, 31, Ch. 674)
	6	Rulemaking authority (void — secs. 27, 29, 31, Ch. 674)
	7	Legislative findings — local government charters and fixed mill levy limits superseded — definition (void — secs. 27, 29, 31, Ch. 674)
	8	Reimbursement for loss of revenue from certain fixed mill levies — definition (void — secs. 27, 29, 31, Ch. 674)

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	9	Definitions (void — secs. 27, 29, 31, Ch. 674)
	10	Property tax rebate — manner of claiming — limitations — appeals (void — secs. 27, 29, 31, Ch. 674)
	11	Property tax rebate — penalty for false or fraudulent claim (void — secs. 27, 29, 31, Ch. 674)
	12	15-1-121 (void — secs. 27, 29, 31, Ch. 674)
	13	15-6-134 (void — secs. 27, 29, 31, Ch. 674)
	14	15-6-134 (void — secs. 27, 29, 31, Ch. 674)
	15	15-7-102 (void — secs. 27, 29, 31, Ch. 674)
	16	15-15-101 (void — secs. 27, 29, 31, Ch. 674)
	17	15-15-102 (void — secs. 27, 29, 31, Ch. 674)
	18	15-15-103 (void — secs. 27, 29, 31, Ch. 674)
	19	15-16-101 (void — secs. 27, 29, 31, Ch. 674)
	20	15-17-125 (void — secs. 27, 29, 31, Ch. 674)
	21	15-30-2120 (void — secs. 27, 29, 31, Ch. 674)
	22	Property tax assistance account (void — secs. 27, 29, 31, Ch. 674)
	23	Codification instruction (void — secs. 27, 29, 31, Ch. 674)
	24	Effective dates — contingency
	25	Transfer of funds (void — secs. 27, 29, 31, Ch. 674)
	26	Severability
	27	Coordination instruction
	28	Coordination instruction
	29	Coordination instruction
	30	Appropriation (void — sec. 31, Ch. 674)
	31	Coordination instruction
	32	Applicability— retroactive applicability
	33	Termination (void — sec. 27, Ch. 674)
	34	Contingent termination (void — sec. 27, Ch. 674)
675	1	30-20-207
	2	30-20-208
	3	15-24-1411
	4	15-6-219
	5	15-30-2120
	6	15-31-113
	7	Codification instruction
	8	Severability
	9	Effective date
	10	Retroactive applicability
	11	Termination
676	1	87-1-246
	2	87-2-401
	3	87-2-402
	4	87-2-405
	5	87-2-505
	6	87-2-510
	7	87-2-511
	8	87-2-711
	9	Effective date
677	1	20-7-310
	2	Codification instruction
	3	Effective date
678	1	69-3-224
	2	7-15-4286
	3	15-6-156
	4	15-6-162
	5	Codification instruction
	6	Effective date
	7	Retroactive applicability
679	1	85-2-429
	2	3-7-224
	3	85-2-309
	4	85-2-402
	5	85-2-407
	6	Codification instruction
680	1	3-15-901
	2	27-8-302
	3	Codification instruction
	4	Effective date
	5	Applicability
681	1	69-2-301
	2	69-2-302
	3	69-2-303
	4	Notification to tribal governments
	5	Codification instruction
	6	Severability
	7	Effective date
682	1	76-2-304
	2	76-25-303
	3	Effective date
683	1	Repealer
	2	Directions to code commissioner
	3	Directions to code commissioner

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684	1	17-6-801
	2	17-6-804
	3	17-6-805
	4	Transfer of funds
	5	Effective date
	6	Retroactive applicability
685	1	30-14-1714
	2	Codification instruction
	3	Effective date
686	1	45-8-213
687	1	17-5-703
	2	17-7-502
	3	20-6-702
	4	20-9-380
	5	20-9-502
	6	20-9-516 (replaced — sec. 9, Ch. 739)
	7	20-9-525
	8	20-9-533
	9	20-9-622
	10	20-9-635
	11	Repealer
	12	Transfer of funds
	13	Effective dates
688	1	2-15-1707 (renumbered 3-9-101)
	2	3-9-102
	3	3-9-105
	4	19-5-301
	5	39-71-201
	6	Transition — rights of personnel — rights to property — rules and orders — legal proceedings — rights of duties under existing transactions — references
	7	Retirement plan election for workers' compensation judge
	8	Directions to code commissioner
	9	Codification instruction
	10	Saving clause
	11	Effective date
689	1	13-19-105
	2	13-19-205
	3	13-19-206
	4	20-20-201
690	1	47-1-104
	2	Effective date
691	1	37-4-308
	2	37-4-101
	3	Codification instruction
692	1	61-9-419
	2	61-9-420
	3	61-9-421
693	1	61-1-101
	2	61-3-317 (void — sec. 13, Ch. 693)
	3	61-8-102
	4	61-8-601
	5	61-8-602
	6	61-8-603
	7	61-8-604
	8	61-8-606
	9	61-8-607
	10	61-8-608
	11	61-8-609
	12	61-9-417
	13	Coordination instruction
694	1	33-19-309
	2	50-16-806
	3	Codification instruction
	4	Severability
	5	Effective dates
695	1	2-4-310 (replaced — sec. 11, Ch. 695)
	2	2-3-301
	3	2-4-110
	4	2-4-111
	5	2-4-302
	6	2-4-305 (replaced — sec. 12, Ch. 695)
	7	2-4-306
	8	2-4-406
	9	37-1-122
	10	Codification instruction
	11	Coordination instruction
	12	Coordination instruction
	13	Effective date
	14	Applicability
696	1	40-6-701
697	1	20-4-209
	2	20-4-206
	3	Codification instruction
	4	Effective date
698	1	28-2-724
	2	Effective date
	3	Applicability
699	1	7-32-602 (amended — secs. 3, 4, Ch. 699)
	2	Codification instruction
	3	Coordination instruction
	4	Coordination instruction
700	1	75-20-1302
	2	75-20-204
	3	Notification to tribal governments
	4	Codification instruction
	5	Effective date
701	1	80-6-114
702	1	61-8-1011
703	1	82-4-206
	2	82-4-231
	3	Saving clause
	4	Severability
	5	Contingent voidness
	6	Effective date
704	1	17-7-502
	2	Repealer
	3	Effective date
705	1	39-2-105
	2	Codification instruction
	3	Effective date
	4	Retroactive applicability

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706	1	20-7-419
	2	20-7-435
	3	Effective date
707	1	22-3-1003
	2	Effective date
708	1	76-3-501
	2	76-3-604
	3	76-3-608
	4	76-3-622
	5	76-4-104
	6	85-2-102
	7	85-2-306
	8	Effective date
	9	Applicability
709	1	27-2-219 (amended — sec. 12, Ch. 709)
	2	33-22-149
	3	2-18-704
	4	27-2-204
	5	27-2-205
	6	33-31-111
	7	33-35-306
	8	53-4-1005
	9	53-6-101
	10	Codification instruction
	11	Effective dates
	12	Coordination instruction
	13	Severability
710	1	7-5-2311
	2	7-5-4311
	3	7-3-1323
	4	7-5-2301
	5	7-5-4301
	6	7-14-2404
	7	Codification instruction
711	1	75-5-702
712	1	75-5-103
	2	75-5-301
	3	75-5-303
	4	75-5-316
	5	75-5-516
	6	75-5-605
	7	Department to amend rules
	8	Severability
	9	Effective date
713	1	2-15-1731
714	1	41-3-102
	2	41-3-205
715	1	13-38-201
	2	Saving clause
716	1	20-3-323
	2	20-3-324
	3	20-4-104
	4	Effective date
717	1	22-3-1306
718	1	22-2-310
	2	22-2-311
	3	22-2-302
	4	Codification instruction
719	1	30-14-165
	2	30-14-166
	3	Codification instruction
	4	Effective date
720	1	27-1-727
721	1	2-18-502
722	1	13-37-226
723	1	Repealer
	2	Effective date
724	1	20-5-109
	2	Effective date
725	1	22-2-103
	2	Effective date
726	1	2-18-704
	2	37-7-101
	3	37-7-105
	4	37-7-201
	5	37-7-301
	6	37-7-306
	7	37-7-502
	8	37-7-505
	9	37-7-601
	10	37-7-602
	11	37-7-603
	12	37-7-604
	13	37-7-701
	14	37-7-702
	15	37-7-703
	16	37-7-703
	17	37-7-704
	18	37-7-705
	19	37-7-706
	20	39-71-727
	21	53-6-1002
	22	Repealer
727	1	45-8-371
	2	45-8-372
	3	45-8-373
	4	45-8-374
	5	45-8-375
	6	45-8-376
	7	45-8-377
	8	Codification instruction
	9	Severability
728	1	49-2-312
729	1	87-2-105
	2	87-2-805
730	1	13-37-505
	2	13-37-501
	3	13-37-502
	4	13-37-503
	5	Codification instruction
	6	Effective date
731	1	1-1-545
	2	1-1-546
	3	1-1-547
	4	Codification instruction
	5	Severability
	6	Effective date
732	1	Future of corrections fund
	2	Appropriation
	3	Transfer of funds
	4	Appropriation for capital projects — appropriation for operations and maintenance
	5	Contingent transfer and appropriation
	6	Planning and design
	7	Reporting
	8	Legislative intent
	9	Coordination instruction
	10	Two-thirds vote required
	11	Effective date
733	1	Government data and impact commission
	2	Purpose
	3	Duties
	4	Appropriation

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	5	Effective date
	6	Termination
734	1	15-30-2120
	2	15-62-207
	3	Coordination instruction
	4	Effective date
	5	Retroactive applicability
735	1	20-6-106
	2	20-6-107
	3	20-6-108
	4	20-6-109
	5	20-6-105
	6	Codification instruction
	7	Effective date
	8	Coordination instruction
	9	Applicability
736	1	61-3-416
	2	17-7-502
	3	Codification instruction
	4	Effective date
737	1	50-50-102
	2	50-50-201
	3	50-50-205
	4	50-51-204
	5	50-52-202
	6	50-53-102
	7	50-53-203
	8	50-57-205
738	1	2-15-1808
	2	15-30-2512
	3	15-65-121
	4	17-7-102
	5	Study — cost-of-living adjustments
	6	Study of executive agency structure and operations — appropriation
	7	Market wage study
	8	Federal action and legislative response
	9	Legislative space
	10	Contingent appropriation
	11	Appropriation
	12	Coordination instruction (void — sec. 28, Ch. 674)
	13	Effective date
739	1	20-9-516 (replaced — sec. 9, Ch. 739)
	2	20-15-310
	3	20-15-328
	4	20-25-428
	5	Interim studies by interim budget committee
	6	Reporting
	7	Notification to tribal governments
	8	Coordination instruction — directions to code commissioner
	9	Coordination instruction
	10	Coordination instruction
	11	Coordination instruction
	12	Effective date
	13	Termination
740	1	20-7-476
	2	Appropriation
	3	Codification instruction
	4	Effective date
741	1	37-18-204
	2	37-1-131
	3	37-2-202
	4	37-2-316
	5	37-12-201
	6	Codification instruction
742	1	20-7-1339
	2	20-9-236
	3	20-9-502
	4	Appropriation
	5	Codification instruction
	6	Effective date
743	1	37-54-102
	2	37-54-201
	3	Appropriation
	4	Effective date
744	1	Sawmill revitalization special revenue account
	2	Transfer of funds
	3	Appropriation
	4	Codification instruction
	5	Effective date
	6	Termination
745	1	16-3-302
	2	16-3-311
	3	16-4-213
	4	16-6-303
	5	Effective date
746	1	50-2-116
	2	Appropriation
	3	Effective date
747	1	53-2-112
	2	Appropriation
	3	Codification instruction
	4	Effective date
748	1	87-2-530
	2	87-1-304
	3	87-2-101
	4	87-2-201
	5	87-2-202
	6	Codification instruction
749	1	35-8-109
	2	35-8-307
	3	35-8-915
	4	Appropriation
	5	Effective dates
	6	Retroactive applicability
	7	Codification instruction
	8	Applicability
750	1	76-9-202
	2	76-9-203
	3	Appropriation
	4	Effective date
	5	Termination
751	1	15-30-2357
	2	15-30-2361
	3	15-31-175

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	4	39-11-404
	5	Repealer
752	1	3-5-102
	2	Reporting on inappropriate or illicit communications within corrections
	3	Study on consolidation of legal services
	4	7-32-2242
	5	Transfer of funds
	6	Coordination instruction
	7	Coordination instruction
	8	Effective date
	9	Termination
753	1	13-1-101
	2	13-37-232
	3	Appropriation
754	1	Olmstead plan — quarterly reporting
	2	Effective date
	3	Termination
755	1	15-6-501
	2	15-6-502
	3	15-6-503
	4	15-6-504
	5	15-6-505
	6	15-6-506
	7	15-6-507
	8	15-6-508
	9	15-10-305
	10	Codification instruction
	11	Applicability
756	1	Department to amend rule
	2	Appropriation
	3	Effective dates
	4	Applicability
757	1	77-1-902
758	1	87-5-811
	2	87-5-812
	3	87-5-813
	4	87-5-814
	5	16-12-111
	6	87-5-801
	7	87-5-802
	8	87-5-803
	9	87-5-804
	10	87-5-806
	11	87-5-808
	12	Appropriation
	13	Notification to tribal governments
	14	Codification instruction
	15	Effective date
	16	Termination
759	1	85-2-382
	2	Codification instruction
	3	Effective date
	4	Termination
760	1	50-1-119
	2	Near-term initiatives
	3	Reporting — comprehensive school and community treatment services to children
	4	Montana state hospital reporting
	5	Long-term sustainability of HB 872 study — committee
	6	Coordination instruction
	7	Effective date
	8	Termination
761	1	75-26-402
	2	75-26-403
	3	Codification instruction
	4	Effective date
762	1	2-15-2231
	2	2-15-2232
	3	Appropriation
	4	Codification instruction
	5	Effective date
763	1	53-21-155
	2	53-21-149
	3	53-21-193
	4	Appropriation
764	1	Sec. 5, Ch. 556, L. 2021
	2	Effective date
765	1	2-15-2051
	2	2-15-2052
	3	3-1-1701
	4	3-1-1702
	5	3-1-1703
	6	3-1-1704
	7	3-1-1705
	8	3-1-1706
	9	3-1-1124
	10	Transition
	11	Reporting to legislative committees
	12	Appropriation
	13	Codification instruction
	14	Termination
766	1	22-3-1002
	2	Transition
	3	Effective date
767	1	15-1-2305
	2	15-1-2306
	3	15-1-2307
	4	15-6-401 (amended — sec. 29, Ch. 674)
	5	15-6-402
	6	15-6-405
	7	15-6-411
	8	15-6-415
	9	15-6-418
	10	15-6-425
	11	15-1-124
	12	15-1-121
	13	15-6-133
	14	15-6-134 (amended — sec. 27, Ch. 674)
	15	15-6-134
	16	15-7-102
	17	15-15-101
	18	15-15-102
	19	15-15-103
	20	15-16-101
	21	15-17-125
	22	15-30-2120
	23	17-7-502
	24	15-6-407

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	25	Codification instruction
	26	Severability
	27	Effective dates — contingency
	28	Applicability — retroactive applicability
	29	Termination
	30	Coordination instruction
	31	Contingent termination
	32	Appropriation (enacted — sec. 31, Ch. 674)
768	1	70-24-103
	2	70-24-201
	3	70-33-103
	4	70-33-201
	5	Effective date
769	1	Provider training grant program for posttraumatic stress disorder therapies — reporting
	2	Appropriation
	3	Effective date
770	1	18-4-132
	2	Effective date
771	1	75-8-305
	2	15-35-108
772	1	Time limits
	2	Appropriations
	3	Transfer of funds
	4	Effective date
773	1	Definitions
	2	Major repair projects appropriations and authorizations
	3	Capital development projects appropriations and authorizations
	4	Capital improvement projects
	5	Land acquisition appropriations
	6	Planning and design
	7	Capital projects — contingent funds
	8	Review by department of environmental quality (amended — sec. 18, Ch. 773)
	9	Legislative intent
	10	Increase in state funding for program expansion or operations and maintenance
	11	17-7-201
	12	17-7-202
	13	17-7-210
	14	17-7-223
	15	Sec. 3, Ch. 763, L. 2023
	16	Transfer of funds
	17	Transfer of funds — plan and reporting
	18	Coordination instruction
	19	Sec. 14(1), Ch. 762, L. 2023
	20	Sec. 9(1), Ch. 739, L. 2023
	21	Operations and maintenance appropriation
	22	Sec. 1, Ch. 468, L. 2021
	23	Sec. 3, Ch. 763, L. 2023
	24	Combination of capital development appropriations
	25	Severability
	26	Effective date
774	1	20-4-601
	2	Sec. 6, Ch. 514, L. 2021
	3	Appropriation
	4	Effective date
775	1	17-1-401
	2	17-1-402
	3	17-1-403
	4	17-1-404
	5	17-1-405
	6	15-7-102
	7	15-10-420
	8	15-15-101
	9	15-15-102
	10	15-15-103
	11	15-16-101
	12	15-17-125
	13	15-38-302
	14	15-6-702
	15	85-1-320
	16	60-2-212
	17	52-2-1002
	18	17-7-135
	19	52-2-1001
	20	52-2-1003
	21	52-2-1004
	22	52-2-1005
	23	17-6-214
	24	17-6-308
	25	17-6-317
	26	90-6-150
	27	17-7-130
	28	17-7-140
	29	19-3-316
	30	19-20-609
	31	85-1-631
	32	90-6-137
	33	90-6-603
	34	17-1-406
	35	15-6-701
	36	15-6-703
	37	15-6-704
	38	15-6-705
	39	Sec. 5, Ch. 48, L. 2023
	40	Repealer
	41	Transfer of funds

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	42	Appropriations
	43	Codification instruction
	44	Coordination instruction
	45	Coordination instruction
	46	Effective date
776	1	Short title
	2	First level expenditures
	3	Severability
	4	Appropriation control
	5	Appropriation control
	6	Appropriation control
	7	Program definition
	8	Personal services funding — 2029 biennium
	9	Totals not appropriations
	10	Effective dates
	11	Appropriations
	12	Rates
777	1	7-32-2242 (void — sec. 7, Ch. 752)
	2	Appropriation
	3	Termination

2024 BALLOT ISSUES TO CODE

Constitutional Initiative

CI	MCA
128	Art. II, sec. 36, Mont. Const.