



AN ACT REVISING AND CLARIFYING THE MONTANA CODE ANNOTATED; DIRECTING THE CODE COMMISSIONER TO CORRECT ERRONEOUS REFERENCES CONTAINED IN MATERIAL ENACTED BY THE 69TH LEGISLATURE AND PREVIOUS LEGISLATURES; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, APPEARS IN LEGISLATION ENACTED BY THE 2025 LEGISLATURE AND REQUIRES A NEW REPORT TO THE LEGISLATURE, THE CODE COMMISSIONER SHALL INCLUDE THE REPORT UNDER THE APPROPRIATE INTERIM COMMITTEE IN SECTION 5-11-222, MCA; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, IS REPEALED OR STRICKEN IN LEGISLATION ENACTED BY THE 2025 LEGISLATURE, THE CODE COMMISSIONER SHALL STRIKE THAT REPORT FROM SECTION 5-11-222, MCA; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, IS TERMINATED, THE CODE COMMISSIONER SHALL STRIKE THAT REPORT FROM SECTION 5-11-222, MCA; AND AMENDING SECTIONS 2-6-1102, 2-15-116, 2-15-401, 2-17-513, 2-17-603, 2-17-807, 2-17-808, 5-11-222, 5-15-101, 15-30-2191, 15-31-172, 16-4-111, 17-7-502, 20-11-107, 20-15-310, 25-1-1101, 25-1-1111, 25-1-1112, 26-1-802, 27-1-1101, 53-6-101, 53-25-102, 61-8-1016, 76-13-418, 81-2-501, 81-9-201, 81-9-218, AND 81-9-240, MCA.

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

**Section 1.** Section 2-6-1102, MCA, is amended to read:

**"2-6-1102. Department of administration -- powers and duties.** (1) To ensure compatibility with the information technology ~~[resources]~~ ~~systems~~ resources of state government and to promote adherence to records management principles and best practices, the department of administration, in consultation with the secretary of state, shall establish standards for technological compatibility for state agencies for records management equipment or systems used to electronically capture, store, or retrieve public records through

computerized, optical, or other electronic methods.

(2) The department of administration, in consultation with the secretary of state, shall approve all acquisitions of executive branch agency records management equipment or systems used to electronically capture, store, or retrieve public records through computerized, optical, or other electronic methods to ensure compatibility with the standards developed under subsection (1).

(3) The department of administration is responsible for the management and operation of equipment, systems, facilities, and processes integral to information technology resources and the state telecommunications network."

**Section 2.** Section 2-15-116, MCA, is amended to read:

**"2-15-116. State agency employee directory requirement.** (1) Each state agency shall post an employee directory on the agency's website. The link to the directory must be on the main landing page of the agency's website.

(2) (a) Except as provided in ~~subsection (2)(b)~~ subsection (2)(b), the directory must include the name, title, and a direct phone number and e-mail address issued by the agency for each agency employee whose job responsibilities include regular interactions with the public.

(b) Department heads may exempt from the requirements of subsection (2)(a) persons in safety-sensitive positions.

(3) The directory page must include an organizational chart for the department so members of the public know which department or individual to contact.

(4) The agency shall perform regular checks, at least semiannually, of the directory to ensure that the information is current and accurate. The date of the last update must be posted on the directory page."

**Section 3.** Section 2-15-401, MCA, is amended to read:

**"2-15-401. Duties of secretary of state -- authority.** (1) In addition to the duties prescribed by the constitution, the secretary of state shall:

(a) attend at every session of the legislature for the purpose of receiving bills and resolutions and to perform other duties as may be devolved on the secretary of state by resolution of the two houses or either of

them;

- (b) keep a register of and attest the official acts of the governor, including all appointments made by the governor, with date of commission and names of appointees and predecessors;
  - (c) affix the great seal, with the secretary of state's attestation, to commissions, pardons, and other public instruments to which the official signature of the governor is required;
  - (d) record in proper books all articles of incorporation filed in the secretary of state's office;
  - (e) take and file receipts for all books distributed by the secretary of state and direct the county clerk of each county to take and file receipts for all books distributed by the county clerk;
  - (f) certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor;
  - (g) furnish, on demand, to any person paying the fees, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the secretary of state's office;
  - (h) keep a fee book in which must be entered all fees, commissions, and compensation earned, collected, or charged, with the date, name of payer, paid or unpaid, and the nature of the service in each case, which must be verified annually by the secretary of state's affidavit entered in the fee book;
  - (i) file in the secretary of state's office descriptions of seals in use by the different state officers;
  - (j) discharge the duties of a member of the board of examiners and of the board of land commissioners and all other duties required by law;
  - (k) register marks as provided in Title 30, chapter 13, part 3;
  - (l) report to the legislature in accordance with 5-11-210 all watercourse name changes received pursuant to 85-2-134 for publication in the Laws of Montana;
  - (m) keep a register of all applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application;
  - (n) establish and maintain a central filing system that complies with the requirements of a central filing system pursuant to 7 U.S.C. 1631 and use the information in the central filing system for the purposes of 7 U.S.C. 1631.
- (2) The secretary of state may:
- (a) develop and implement a statewide electronic filing system as described in 2-15-404; and

(b) adopt rules for the effective administration of the secretary of state's duties relating to the Montana Administrative Procedure Act established in Title 2, chapter 4.

(3) (a) Except for a cooperative organized and incorporated to do business under Title 35, chapter 15, 16, 17, or 18, or filed under 30-10-105, the secretary of state may not accept a filing from a person using the term "cooperative" or a derivative of the term "cooperative" to register:

- (i) an assumed business name pursuant to 30-13-202;
- (ii) a nonprofit corporation pursuant to 35-2-119;
- (iii) a limited liability corporation pursuant to 35-8-205;
- (iv) a partnership pursuant to 35-10-113;
- (v) a limited partnership pursuant to 35-12-511; or
- (vi) a corporation pursuant to 35-14-120.

(b) A person using the term "cooperative" to register with the secretary of state in violation of subsection (3)(a) shall be fined not less than \$50 or more than \$1,000.

(4) ~~Subsection (3)~~ Subsection (3) does not apply to an entity formed prior to October 1, 2023."

**Section 4.** Section 2-17-513, MCA, is amended to read:

**"2-17-513. Duties of board.** The board shall:

- (1) provide a forum to:
  - (a) guide state agencies, the legislative branch, the judicial branch, and local governments in the development and deployment of intergovernmental information technology resources;
  - (b) share information among state agencies, local governments, and federal agencies regarding the development of information technology resources;
- (2) advise the department:
  - (a) in the development of cooperative contracts for the purchase of information technology resources;
  - (b) regarding the creation, management, and administration of digital government services and information on the internet;
  - (c) regarding the administration of digital government services contracts;

- (d) on the priority of government services to be provided digitally;
- (e) on convenience fees prescribed in 2-17-1102 and 2-17-1103, if needed, for digital government services; and
- (f) on any other aspect of providing digital government services;
- (3) review and advise the department on:
  - (a) statewide information technology policies, framework, controls, standards, procedures, and guidelines;
  - (b) the state strategic information technology plan;
  - (c) major information technology budget requests;
  - (d) rates and other charges for services established by the department as provided in 2-17-512(1)(r);
  - (e) requests for exceptions as provided for in 2-17-515;
  - (f) notification of proposed exemptions by the university system and office of public instruction as provided for in 2-17-516;
  - (g) action taken by the department as provided in 2-17-514(1) for any activity that is not in compliance with this part;
  - (h) the implementation of major information technology projects and advise the respective governing authority of any issue of concern to the board relating to implementation of the project; and
  - (i) financial reports, management reports, and other data as requested by the department;
- (4) study state government's present and future information technology needs and advise the department on the use of emerging technology in state government;
- (5) request information and reports that it considers necessary from any entity using or having access to the state telecommunications network or information technology resources;
- (6) assist in identifying, evaluating, and prioritizing potential departmental and interagency digital government services;
- (7) serve as a central coordination point for digital government services provided by the department and other state agencies;
- (8) study, propose, develop, or coordinate any other activity in furtherance of digital government

services as requested by the governor or the legislature; and

(9) prepare and submit to the state administration and veterans' affairs interim committee in accordance with 5-11-210 a report including but not necessarily limited to a summary of the board's activities, a review of the ~~[digital]~~ digital government program established under part 11 of this chapter, and any key findings and recommendations that the board presented to the department."

**Section 5.** Section 2-17-603, MCA, is amended to read:

**"2-17-603. Government competition with private internet services providers prohibited --**

**exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state may not directly or through another agency or political subdivision be an internet services provider.

(2) (a) An agency or political subdivision may act as an internet services provider if:

(i) no private internet services provider is available within the jurisdiction served by the agency or political subdivision; or

(ii) the agency or political subdivision provided services prior to July 1, 2001.

(b) An agency or political subdivision may act as an internet services provider when providing advanced services that are not otherwise available from a private internet services provider within the jurisdiction served by the agency or political subdivision.

(c) If a private internet services provider elects to provide internet services in a jurisdiction where an agency or political subdivision is providing internet services, the private internet services provider shall inform the agency or the political subdivision in writing at least 30 days in advance of offering internet services.

(3) Upon receiving notice pursuant to subsection (2)(c), the agency or political subdivision shall notify its subscribers within 30 days of the intent of the private internet services provider to begin providing internet services and may choose to discontinue providing internet services within 180 days of the notice.

(4) Nothing in this section may be construed to prohibit an agency or political subdivision from:

(a) offering ~~[digital]~~ digital government services to the general public;

(b) acquiring access to the internet from a private internet services provider in order to offer ~~[digital]~~ digital government services to the general public; or

(c) providing funding to private broadband service providers for broadband service infrastructure

projects; or

(d) providing network infrastructure within the contiguous campus of the agency or political subdivision."

**Section 6.** Section 2-17-807, MCA, is amended to read:

**"2-17-807. Approval for displays and naming buildings, spaces, and rooms.** (1) A state building, space, or room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial, monument, or art display may not be displayed on a long-term basis in the capitol complex or on the capitol complex grounds unless the building, space, or room name or display is approved by the legislature and complies with this part. The capitol building, including any future additions and expansions, may not be named after any person, as defined in 2-4-102.

(2) (a) Except as provided in subsections (2)(b) through (2)(j), a state building, space, or room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial, monument, or art display commemorating an individual may not be displayed on a long-term basis in the capitol complex unless the individual has been deceased for at least 10 years.

(b) The statue of Mike and Maureen Mansfield authorized in 2-17-808(1)(d)(iii) and the plaque commemorating President George H. W. Bush authorized in 2-17-808(2)(b)(ii) may continue to be displayed in the capitol complex.

(c) Except as provided in subsection (2)(f), a public building within the capitol complex constructed with private funds after April 17, 2007, or a space or room constructed with private funds after April 17, 2007, in a public building, other than the capitol building, may bear a name designated by the benefactor of the building, space, or room if:

(i) the building, space, or room is to be owned by or used exclusively or primarily by the Montana historical society to store or display artifacts or other property owned by the Montana historical society; and

(ii) the building, space, or room and the designated name are approved by the council and by the board of the historical society, provided for in 2-15-1512.

(d) The classroom building authorized in May 2007 to be built at the Montana law enforcement academy may be named after Karl Ohs, and a plaque and the Lou Peters award commemorating Karl Ohs may

be displayed there.

(e) The justice building located at 215 north Sanders in Helena must be named after Joseph P. Mazurek, and a plaque and memorial commemorating him may be displayed on the capitol complex grounds.

(f) The Montana heritage center must be named after Betty Babcock, and a plaque commemorating her must be displayed there.

(g) The statue ~~or bust~~ of Judy Martz authorized in 2-17-808(2)(f) may continue to be displayed in the capitol or on the grounds immediately surrounding the capitol.

(h) The bust commemorating Thomas Carter authorized in 2-17-808(1)(l) may be displayed in the capitol.

(i) A plaque commemorating Charles S. Johnson, Montana's longest-serving statehouse reporter, may be placed in a state capitol complex building or on the grounds of the state capitol complex.

(j) The offices of the secretary of the senate, room 302, must be named the Marilyn Miller senate suite, and a plaque commemorating Marilyn Miller must be displayed there.

(k) The memorial honoring organ donors of Montana authorized in 2-17-808(2) may continue to be displayed on the grounds surrounding the capitol.

(3) A bust, plaque, statue, memorial, monument, or art display commemorating an event, including a military event, may not be displayed on a long-term basis in the capitol complex until 10 years after the end of the event.

(4) All busts, plaques, statues, memorials, monuments, or art displays authorized, but not installed within 5 years of authorization, must be reauthorized.

(5) The department of administration may review and approve the temporary display of a bust, plaque, statue, memorial, monument, or art display for up to 1 year in the capitol complex or on the capitol complex grounds. (Subsection (2)(g) void on occurrence of contingency--sec. 4, Ch. 164, L. 2019; subsection (2)(h) void on occurrence of contingency--sec. 5, Ch. 637, L. 2023; subsection (2)(i) void on occurrence of contingency--sec. 5, Ch. 737, L. 2023; subsection (2)(k) void on occurrence of contingency--sec. 5, Ch. 211, L. 2023.)"

**Section 7.** Section 2-17-808, MCA, is amended to read:



**"2-17-808. Placement of certain busts, plaques, statues, memorials, monuments, and art**

**displays.** (1) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, in the capitol:

- (a) the busts of Thomas J. Walsh, Burton K. Wheeler, and Joseph Dixon;
- (b) the plaques commemorating Theodore Brantley, Fred Whiteside, the first Montana volunteers who fought in the Spanish-American War, the construction of the capitol from 1899 to 1902, the 1972 Montana constitutional convention, and the women legislators' centennial;
- (c) the murals by Edgar S. Paxson, Ralph E. DeCamp, Charles M. Russell, Amedee Joullin, and F. Pedretti and sons;
- (d) the statues of:
  - (i) Wilbur Fiske Sanders;
  - (ii) Jeannette Rankin; and
  - (iii) Mike and Maureen Mansfield;
- (e) the Montana statehood centennial bell;
- (f) the gallery of outstanding Montanans;
- (g) the Montana constitutional exhibit;
- (h) the biographical descriptions of Montana's governors, to be placed near the portraits of the governors;
- (i) a plaque commemorating former representative Francis Bardanouve and lettering naming the first floor of the east wing of the capitol in honor of Francis Bardanouve;
- (j) a mural honoring the historical contributions of women as community builders;
- (k) a plaque commemorating former secretary of the senate Marilyn Miller and lettering naming the offices of the secretary of the senate, room 302 of the capitol, the Marilyn Miller senate suite; and
- (l) a bust commemorating Thomas Carter, who served as the last territorial congressional delegate, the first United States representative, and a United States senator for the state.

(2) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, on the grounds of the capitol:

- (a) the statues of Thomas Francis Meagher and Lady Liberty;

- (b) the plaques commemorating:
  - (i) Donald Nutter;
  - (ii) President George H. W. Bush; and
  - (iii) American prisoners of war and personnel of the United States armed services missing in action;
- (c) two benches with plaques recognizing contributors to the 1997-2000 capitol restoration, repair, and renovation project;
- (d) the Montana centennial square;
- (e) the monument of the ten commandments;
- (f) a statue ~~or bust~~ commemorating Judy Martz, Montana's first woman governor; and
- (g) a memorial honoring organ donors of Montana, encouraging individuals to register as donors, and providing a contemplative space to serve as a symbol of hope for those who are waiting for an organ transplant.

(3) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, on the capitol complex grounds:

- (a) the statue by Robert Scriver entitled "symbol of the pros";
- (b) the monuments to the liberty bell, the veterans' and pioneer memorial building--landscape beautification project, Montana veterans, Pearl Harbor survivors, and the peace pole;
- (c) the sculptures of the herd bull and the eagle;
- (d) the plaques commemorating the Montana national guard and Lewis and Clark; and
- (e) the arrastra.

(4) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, in state buildings on the capitol complex:

- (a) the paintings of Dr. W. F. Cogswell and the paintings entitled "burning bush", "dryland farmer", "farm girl", "the river rat", "top of the world", "angus #68", "the source", "the Bozeman trail", and "the Mullan road";
- (b) the art displays known as "Montana workers--mining, ranching, and building", "copper city rodeo", "dancing cascade", "save a piece of the sky", and "night light";

(c) the plaque commemorating Walt Sullivan, the plaque of the Sam W. Mitchell building, and the plaque commemorating the original headquarters of the Montana highway patrol;

(d) the busts of Lee Metcalf and Sam W. Mitchell;

(e) the plaque and Lou Peters award commemorating Karl Ohs;

(f) the plaque and memorial commemorating Joseph P. Mazurek; and

(g) the plaque commemorating Charles S. Johnson.

(5) The senate sculpture depicting the Lewis and Clark expedition is to be placed for up to 50 years, subject to renewal, on the west wall in the senate chambers.

(6) The council shall determine the specific placement of the items identified in subsections (1) through (4). (Subsection (2)(f) void on occurrence of contingency--sec. 4, Ch. 164, L. 2019; subsection (2)(g) void on occurrence of contingency--sec. 5, Ch. 211, L. 2023; subsection (1)(l) void on occurrence of contingency--sec. 5, Ch. 637, L. 2023; subsection (4)(g) void on occurrence of contingency--sec. 5, Ch. 737, L. 2023.)"

**Section 8.** 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) actuarial 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;
- (III) 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)(iii)~~ reports on district court judge caseload and substitutions from the office of court administrator in accordance with 3-1-713;

~~(vi)(iv)~~ information on the Montana False Claims Act from the department of justice in accordance with

17-8-416;

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

~~(viii)~~(vi) 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)~~(vii) office of court administrator reports in accordance with 41-5-2003;

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

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

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

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

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

~~(xvi)~~(xiv) reports on third-party vendors providing facial recognition services to state agencies reports in accordance with 44-15-111(4)(b);

~~(xvii)~~(xv) reports on offenders under supervision with new offenses or violations from the department of corrections in accordance with 46-23-1016;

~~(xviii)~~(xvi) supervision responses grid reports from the department of corrections in accordance with 46-23-1028;

~~(xix)~~(xvii) statewide public defender reports and information from the office of state public defender in accordance with 47-1-125;

~~(xx)~~(xviii) every 5 years, a percentage change in public defender funding report from the legislative fiscal analyst in accordance with 47-1-125;

~~(xxi)~~(xix) 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

~~(xxiii)~~(xx) 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) a report from the state library on GIS readiness in Montana as it pertains to next-generation 9-1-1 GIS in accordance with 10-4-310;

~~(i)(ii)~~ the high-performance building report from the department of administration in accordance with 17-7-214;

~~(ii)(iii)~~ an annual report from the consumer counsel in accordance with 69-1-222;

~~(iii)(iv)~~ annual universal system benefits reports from utilities, electric cooperatives, and the department of revenue in accordance with 69-8-402;

~~(iv)(v)~~ small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501; and

~~(v)(vi)~~ 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) biennial forest lands taxation advisory committee reports in accordance with 15-44-103; and
    - ~~(vi)~~(vii) 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; and

(xi) biennial reports on forest service applications for state water reservations from the department of natural resources and conservation in accordance with 85-20-1401;

(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) biennial reports on experimental wastewater system component review from the department of environmental quality in accordance with 76-4-104;

~~(ii)(iii)~~ sand and gravel, if an investigation is completed, in accordance with 82-2-701;

~~(iii)(iv)~~ assistance to local governments on federal land management proposals from the department of commerce in accordance with 90-1-182; and

~~(iv)(v)~~ 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)(i)~~ the Montana Indian language preservation program report from the office of public instruction in accordance with 20-9-537;

~~(iii)~~(ii) reports from the missing indigenous persons task force in accordance with 44-2-411;

~~(iv)~~(iii) a report from the department of justice on missing persons response team training grants awarded in accordance with 44-2-416;

~~(v)~~(iv) state-tribal economic development commission activities reports from the state-tribal economic development commission in accordance with 90-1-132; and

~~(vi)~~(v) 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 9.** Section 5-15-101, MCA, is amended to read:

**"5-15-101. Legislative consumer committee -- appointment and composition.** (1) There is a

legislative consumer committee consisting of:

- (a) three members of the senate, two from the majority party and one from the minority party; and
  - (b) three members of the house of representatives, two from the majority party and one from the minority party.
- (2) Members shall be appointed in the same manner as standing committees of the respective houses before the 60th legislative day of the legislative session following the expiration of the terms of the members of the committee. ~~[No more than one of the appointees of each house may be members of the same political party.]~~"

**Section 10.** Section 15-30-2191, MCA, is amended to read:

**"15-30-2191. (Temporary) Individual income tax rebate.** (1) By December 31, 2023, the department of revenue shall issue, to a qualified taxpayer who incurred individual income tax liability in Montana in 2021, a one-time income tax rebate in an amount equal to the lesser of:

- (a) the qualified taxpayer's 2021 individual income tax liability as properly reported on line 20 of the 2021 Montana individual income tax return; or
  - (b) an amount based on the taxpayer's 2021 filing status, equal to:
    - (i) for a single taxpayer, a head of household, or a married taxpayer filing a separate return, \$1,250; or
    - (ii) for a married couple filing a joint return, \$2,500.
- (2) The department may not issue a rebate pursuant to this section that exceeds the taxpayer's individual income tax liability as properly reported on line 20 of the 2021 Montana individual income tax return.
- (3) (a) Except as provided in subsection (3)(b), the department shall issue rebates provided for in this section electronically or by mailing a check to the taxpayer's mailing address based on the taxpayer's refund instructions.
- (b) A rebate provided for in this section must first be credited against any outstanding liability for which the department withholds a tax refund existing at the time the refund is issued.
- (4) As provided in former 15-30-2110(2)(u), a rebate provided for in this section is not taxable income.

(5) (a) As used in this section, the term "qualified taxpayer" means an individual who was a resident as defined in 15-30-2101 for the entire income tax year beginning January 1, 2021, and who filed a Montana individual income tax return for income tax years 2020 and 2021 by the due date for filing the return for income tax year 2021, including any extensions authorized pursuant to 15-30-2604(1)(b) and (3), respectively.

(b) The term does not include:

(i) a taxpayer who is a nonresident, as defined in 15-30-2101, who filed tax returns in 2020 or 2021 pursuant to 15-30-2104;

(ii) an individual who was claimed as a dependent by another taxpayer for federal or Montana income tax purposes for the 2021 tax year; or

(iii) a trust.

(6) As used in this section, the term "properly reported" means the amount reported on line 20 of the 2021 Montana individual income tax return filed by the due date for filing that return, including any extensions authorized pursuant to 15-30-2604(1)(b) and (3), or an amended 2021 Montana individual income tax return filed on or before May 1, 2023. (Terminates December 31, 2025--sec. 9, Ch. 44, L. 2023, sec. 10, Ch. 764, L. 2023.)"

**Section 11.** Section 15-31-172, MCA, is amended to read:

**"15-31-172. Small business corporation -- deduction for donation of computer equipment to schools.** A small business corporation, as defined in 15-30-3301, is allowed a deduction equal to the fair market value, not to exceed 30% of the small business corporation's net income, of a computer or other sophisticated technological equipment or apparatus intended for use with the computer donated to an elementary, secondary, or accredited postsecondary school located in Montana if:

(1) the contribution is made no later than 5 years after the manufacture of the donated property is substantially completed;

(2) the property is not transferred by the donee in exchange for money, other property, or services;

(3) the electing small business corporation receives a written statement from the donee in which the donee agrees to accept the property and representing that the use and disposition of the property will be in

accordance with the provisions of subsection (2); and

(4) the deduction allowed in this section is in lieu of the deduction allowed ~~under 15-30-2134~~ for charitable contributions."

**Section 12.** Section 16-4-111, MCA, is amended to read:

**"16-4-111. Catering endorsement for beer and wine licensees.** (1) (a) A person who is licensed to sell beer and wine at retail for on-premises consumption may, on the approval of the department, be granted a catering endorsement to the license to allow the catering and sale of beer and wine to persons attending a special event on premises not otherwise licensed for the sale of beer and wine for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(b) A person who is licensed pursuant to 16-4-420 to sell beer and wine at retail for on-premises consumption may, on the approval of the department, be granted a catering endorsement to the license to allow the catering and sale of beer and wine to persons attending a special event on premises not otherwise licensed for the sale of beer and wine, along with food equal in cost to 65% of the total gross revenue from the catering contract, for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(c) A person licensed under 16-4-105 to sell beer and wine at retail for on-premises consumption at a guest ranch may, on the approval of the department, be granted a guest ranch catering endorsement to the license to allow the catering and sale of beer and wine to guests of the guest ranch for events at locations on the guest ranch other than the licensed premises. These events do not need to be special events. The beer and wine must be consumed where the event is held.

(2) An application for a catering endorsement and an annual fee of \$200 must be submitted to the department for its approval.

(3) With the exception of a guest ranch catering endorsement, a licensee who holds a catering endorsement may not cater an event in which the licensee or the concessionaire of the licensee is the sponsor. The catered event must be within 100 miles of the licensee's licensed premises measured in a straight line from the nearest entrance of the licensed premises to the nearest boundary of the catered event.

(4) Except as provided in subsection (8), the storage of alcoholic beverages may occur on the

premises of the catered event 1 day prior to the catered event until 1 day following the conclusion of the catered event if the alcoholic beverages are in a secured location that prevents access by anyone other than the licensee or the licensee's employees.

(5) With the exception of a guest ranch catering endorsement, the licensee shall notify the local law enforcement agency that has jurisdiction over the premises that the catered event is to be held. A local government may charge a fee of \$35.

(6) The sale of beer and wine pursuant to a catering endorsement is subject to the provisions of 16-6-103.

(7) The sale of beer and wine pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval for the on-premises sale of beer and wine on premises where the event is to be held.

(8) A licensee may sell and serve beer and wine in the grandstands and bleacher area of the premises, as well as from a booth, stand, or other fixed ~~place~~ place on the premises when the catered event is held on the premises of a county fairground, public sports arena, or Montana university as defined in 16-4-112. If the licensee has a written agreement with the state of Montana, a political subdivision of the state, or a Montana university to sell and serve beer and wine for multiple catered events at the premises, the licensee may store beer and wine to be used for the catered events on the premises of the fairground, public sports arena, or Montana university for the length of the written agreement if the beer and wine can be stored in a secure location that prevents access by anyone other than the licensee or the licensee's employees. Each catered event held at the premises is subject to the requirement in subsection (5) and must be individually reported to the department.

(9) A licensee may not share revenue from the sale of alcoholic beverages with the sponsor of the catered event unless the sponsor is the state of Montana, a political subdivision of the state, a Montana university as provided in 16-4-112, or a qualified entity under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended."

**Section 13.** 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];~~ 20-15-328; 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 14.** Section 20-11-107, MCA, is amended to read:

**"20-11-107. Authorizers.** (1) The state community choice school commission created under 20-11-106 may authorize choice schools in the state. The commission shall perform the functions of choice school

authorizers under this part.

(2) (a) A local school board may apply to the commission for authorizing authority within the boundaries of the traditional school district overseen by the local school board.

(b) If the commission determines that the local school board fulfills the requirements of an authorizer, the commission shall, within 60 days of receipt of a local school board's application, approve the local school board as an authorizer.

(c) On approval, the commission shall register the local school board and shall provide the local school board with a letter confirming its approval as an authorizer.

(3) (a) The commission shall establish the annual application and approval process, including cycles and deadlines during the fiscal year, for local school boards to apply for authorizing authority as set forth in this section.

(b) By March 1 of each year, the commission shall make available information and guidelines for local school boards concerning the opportunity to apply for authorizing authority under this part.

(c) Each interested local school board shall submit an application that clearly explains or presents the following elements in a format to be established by the commission:

- (i) written notification of intent to serve as a choice school authorizer in accordance with this part;
- (ii) an explanation of the local school board's strategic vision for authorizing;
- (iii) a plan supporting the local school board's strategic vision and an explanation of the local school board's budget and personnel capacity and commitment to execute the duties of choice school authorizing in accordance with this part;
- (iv) a draft or preliminary outline of a request for proposal that will solicit choice school applicants in accordance with 20-11-111;
- (v) a description or outline of the performance framework the local school board will use to guide the establishment of a charter contract and for ongoing oversight and evaluation of choice schools consistent with the requirements of this part;
- (vi) a draft of the local school board's renewal, revocation, nonrenewal, and school closure processes consistent with 20-11-117 and 20-11-118;
- (vii) a statement of assurance that the local school board commits to serving as a choice school

authorizer in fulfillment of the expectations, spirit, and intent of this part and will fully participate in any authorizer training provided or required by the commission; and

(viii) a statement of assurance that the local school board will be accountable and transparent in all matters concerning authorizing practices, decisions, and expenditures.

(4) (a) Within 60 days of receipt of the application, the commission shall determine whether to approve an application based on a review of the documentation provided in ~~subsection (3)~~ subsection (3) and the quality of the application. The commission shall provide a letter to the local school board either confirming or denying acceptance as an authorizer.

(b) Within 30 days of approval of an application for choice school authorizing, the commission and the approved authorizer shall execute a renewable authorizing contract. The initial authorizing contract term is 6 years.

(5) A local school board may not engage in authorizing functions without a fully executed authorizing contract.

(6) When approved by the commission, the local school board continues as an authorizer from year to year during the term of the contract as long as the local school board fulfills all authorizing duties and expectations set forth in this part and remains an authorizer in good standing with the commission."

**Section 15.** Section 20-15-310, MCA, is amended to read:

**"20-15-310. Appropriation -- definitions.** (1) As used in ~~[20-15-328]~~ 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 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) }~~ 20-15-328(2), 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 the sum of the FTE in each 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 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 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 16.** Section 25-1-1101, MCA, is amended to read:

**"25-1-1101. Registered process server -- levying officer -- use of title reserved.** (1) Except as provided in subsection (2), a person who makes more than 10 services of process, as defined in 25-3-101, within this state during 1 calendar year must be registered under Title 37, chapter 60. A process server who holds a valid certificate of registration from a clerk of court in this state as of July 1, 2007, shall present the

registration certificate to the ~~board of private security~~ department of labor and industry, and the ~~board~~ department shall exchange that registration certificate for a new certificate that expires on March 31, 2009.

- (2) This part does not apply to:
  - (a) a sheriff, constable, coroner, elisor, or other government employee who is acting in the course of employment; or
  - (b) a licensed attorney.
- (3) A registered process server may act as a levying officer under Title 25, chapter 13.
- (4) A registered process server may make service of process in any county in this state.
- (5) A person may not use the title of process server unless the person is registered as a process server under Title 37, chapter 60."

**Section 17.** Section 25-1-1111, MCA, is amended to read:

**"25-1-1111. Bond required -- levy limited.** (1) After completing the requirements in Title 37, chapter 60, for registration, a process server shall provide the ~~board of private security~~ department of labor and industry with proof of a surety bond of \$10,000 for an individual or \$100,000 for a firm, conditioned upon compliance with this part, all laws governing service of process in this state, and the requirements of Title 37, chapter 60. A clerk of court holding a surety bond for a process server under this section as of June 30, 2007, shall transfer the original bond and any supporting documentation to the board on July 1, 2007.

- (2) A levying officer may not levy on a judgment that exceeds the value of the bond."

**Section 18.** Section 25-1-1112, MCA, is amended to read:

**"25-1-1112. Action on bond.** (1) Any person who recovers damages for an injury caused by a service of process, made by a registered process server, that did not comply with the law governing service of process in this state may recover the amount of damages from the bond required under 25-1-1111.

- (2) If there has been recovery against a registered process server's bond, the registered process server shall file a new bond within 30 days or reinstate the bond. If the bond has not been reinstated or filed within 30 days, the ~~board of private security~~ department of labor and industry shall revoke the process server's registration within a timeframe established by rule."

**Section 19.** Section 26-1-802, MCA, is amended to read:

**"26-1-802. Spousal privilege.** (1) A spouse may not, without the consent of the other spouse, testify during or after the marriage concerning any communication made by one to the other during their marriage.

(2) A judicial, legislative, administrative, or other governmental body may not request or require the disclosure of an electronic communication made by one spouse to the other during their marriage from a spouse or an electronic communication service used by the spouse.

(3) A spouse or an electronic communication service used by the spouse may not be adjudged in contempt by a judicial, legislative, administrative, or other body having the power to issue subpoenas for refusing to disclose or produce electronic communications made by one spouse to the other during their marriage.

(4) The privilege under subsections (1) through (3):

(a) is restricted to communications made during the existence of the marriage relationship and does not extend to communications made prior to the marriage or to communications made after the marriage is dissolved; and

(b) does not apply to a civil action or proceeding by one spouse against the other or to a criminal action or proceeding for a crime committed by one spouse against the other or against a child of either spouse.

(5) For the purposes of this section, "electronic communication" and "electronic communication service" have the meanings provided in 46-5-601. The terms do not include communications transmitted by the ~~statewide-state~~ telecommunications network provided for in 2-17-506."

**Section 20.** Section 27-1-1101, MCA, is amended to read:

**"27-1-1101. Definition.** As used in this part, "mental health professional" means:

(1) a certified professional person as defined in 53-21-106;

(2) a physician licensed under Title 37, chapter 3;

~~(3) a professional counselor licensed under Title 37, chapter 39;~~

~~(4)(3)~~ a psychologist licensed under Title 37, chapter 17;

~~(5) a clinical social worker licensed under Title 37, chapter 39;~~

~~(6)~~(4) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing; or

~~(7)~~(5) a clinical social worker, a professional counselor, or a marriage and family therapist licensed under Title 37, chapter 39."

**Section 21.** 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 in accordance with 5-11-210:

(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 22.** Section 53-25-102, MCA, is amended to read:

**"53-25-102. Purpose.** (1) It is the intent of the legislature to provide access to a program authorized by section 529A of the Internal Revenue Code, 26 U.S.C. 529A, to encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence, and quality of life and to provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits provided through private insurance, federal and state medical and disability insurance, a beneficiary's employment, and other sources.

(2) The legislature further intends that the department achieve this purpose by:

~~(a)~~—creating the Montana achieving a better life experience program, which is a public-private partnership using selected financial institutions to serve as depositories for individuals' savings accounts

established pursuant to this chapter; ~~or~~

~~[(b) —contracting with another state that has a program under section 529A of the Internal Revenue Code, 26 U.S.C. 529A, and that allows Montana residents to participate in the state's program]."~~

**Section 23.** Section 61-8-1016, MCA, is amended to read:

**"61-8-1016. Implied consent -- blood or breath tests for alcohol, blood or oral fluid for drugs, or testing for both -- alcohol and drugs using recognized methods for each -- refusal to submit to test -- administrative license suspension.** (1) (a) A person who operates or is in actual physical control of a vehicle or commercial motor vehicle upon the ways of this state open to the public is considered to have given consent to a test or tests of the person's blood or breath for the purpose of determining any measured amount or detected presence of alcohol or blood or oral fluid for the purpose of determining any measured amount or detected presence of drugs in the person's body.

(b) The tests in subsection (1)(a) include but are not limited to a preliminary alcohol screening test of the person's breath for the purpose of estimating the person's alcohol concentration.

(c) A preliminary alcohol screening test may not be conducted or requested under this section unless both the peace officer and the instrument used to conduct the test have been certified by the department pursuant to rules adopted under the authority of 61-8-1019(5).

(d) The person's obligation to submit to a test in subsection (1)(a) is not satisfied by the person submitting to a preliminary alcohol screening test pursuant to this section.

(2) (a) The test or tests must be administered at the direction of a peace officer when:

(i) the peace officer has particularized suspicion to believe that the person has been driving or has been in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol, drugs, or a combination of the two and the person has been detained for a violation of driving under the influence as provided in 61-8-1002 or an offense that meets the definition of aggravated driving under the influence in 61-8-1001;

(ii) the person is under the age of 21 and the peace officer has particularized suspicion to believe that the person has been driving or in actual physical control of a vehicle in violation of 61-8-1002(1)(e); or

(iii) the peace officer has probable cause to believe that the person was driving or in actual

physical control of a vehicle or commercial motor vehicle:

(A) in violation of driving under the influence, as provided in 61-8-1002, and the person has been placed under arrest;

(B) in violation of driving under the influence as provided in 61-8-1002, and the person has been involved in a motor vehicle crash or collision resulting in property damage;

(C) and the person has been involved in a motor vehicle accident or collision resulting in serious bodily injury, as defined in 45-2-101, or death; or

(D) in violation of driving under the influence as provided in 61-8-1002 and meets the definition of aggravated driving under the influence in 61-8-1001.

(b) A peace officer may designate which test or tests are administered.

(c) The peace officer shall inform the person of the right to refuse the test and that the refusal to submit to the test will result in the suspension for up to 1 year of that person's driver's license.

(d) A hearing as provided for in 61-8-1017 must be available. The issues in the hearing must be limited to determining whether a peace officer had a particularized suspicion that the person was in violation of 61-8-1002 or an offense meeting the definition of aggravated driving under the influence in 61-8-1001, and whether the person refused to submit to the test.

(e) If a person refuses a preliminary alcohol screening test and another test during the same incident, the department may not consider each a separate refusal for purposes of suspension of the person's driver's license.

(3) A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is considered not to have withdrawn the consent requested in subsection (1).

(4) (a) If an arrested person refuses to submit to one or more tests requested and designated by the peace officer, the refused test or tests may not be given unless the person has refused to provide a breath, blood, urine, or other bodily substance in a prior investigation in this state or under a substantially similar statute in another jurisdiction or the arrested person has a prior conviction or pending offense for a violation of 45-5-104, 45-5-106, 45-5-205, or driving under the influence, including 61-8-1002, 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 a similar statute in another jurisdiction.

(b) On the person's refusal to provide the breath, blood, urine, oral fluid, or other bodily substance requested by the peace officer pursuant to subsection (1) and this subsection (4), the peace officer may apply for a search warrant to be issued pursuant to 46-5-224 to collect a sample of the person's blood or oral fluid for testing.

(c) (i) On the person's refusal to provide a breath, blood, urine, oral fluid, or other bodily substance, the peace officer shall, on behalf of the department, immediately seize the person's driver's license. The peace officer shall immediately forward the license to the department, along with a report certified under penalty of law stating which of the conditions set forth in subsection (2)(a) provides the basis for the testing request and confirming that the person refused to submit to one or more tests requested and designated by the peace officer. Upon receipt of the report, the department shall suspend the license for the period provided in 61-8-1032.

(ii) Upon seizure of a driver's license, the peace officer shall issue, on behalf of the department, a temporary driving permit, which is effective 12 hours after issuance and is valid for 5 days following the date of issuance, and shall provide the driver with written notice of the license suspension and the right to a hearing as provided in 61-8-1017.

(iii) A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests.

(5) This section does not apply to tests, samples, and analyses of blood, breath, or urine used for purposes of medical treatment or care of an injured motorist, related to a lawful seizure for a suspected violation of an offense not in this part, or performed pursuant to a search warrant.

(6) This section does not prohibit the release of information obtained from tests, samples, and analyses of blood, breath, or urine for law enforcement purposes as provided in 46-4-301 and 61-8-1019(6)."

**Section 24.** Section 76-13-418, MCA, is amended to read:

**"76-13-418. Fire hazard reduction agreement -- slash burning.** (1) Slash burning as part of ~~fire~~ fire hazard reduction agreements must be conducted under rules adopted pursuant to this part and burning notification requirements adopted pursuant to 7-33-2205.

(2) Immediate or continuous presence is not required for slash burning conducted under this section provided that:

(a) significant precipitation, the presence of persistent snow cover, fuel moisture conditions, or a combination of those factors sufficiently inhibits the chance of fire spreading under current and foreseeable weather conditions;

(b) there is an absence of high wind events or warnings for the slash burning period that would cause the fire or embers to spread beyond the intended location; and

(c) the slash burn location is sufficiently monitored, patrolled, or both until the risk of fire spread subsides. This includes at least one site visit to ensure containment.

(3) Nothing in this section absolves the holder of a fire hazard reduction agreement from operating with reasonable care and caution or the provisions of 50-63-102 and 50-63-103."

**Section 25.** Section 81-2-501, MCA, is amended to read:

**"81-2-501. Definitions.** When used in this part, the following definitions apply:

(1) "Garbage" means wastes resulting from the handling, preparation, cooking, and consumption of animal products, including animal carcasses or parts of animal carcasses, or other refuse of any character that has been associated with any animal products, including animal carcasses or parts of animal carcasses. Waste products that do not contain animal products are not considered garbage for the purpose of garbage feeding.

~~(2) "Garbage feeder" means a person who handles, prepares, cooks, or otherwise treats garbage to feed to swine or other animals, as well as a person who feeds garbage to swine or other animals.~~

~~(3)~~(2) "Person" means the state, any municipality, political subdivision, school district, institution, public or private corporation, individual, partnership, or other entity."

**Section 26.** Section 81-9-201, MCA, is amended to read:

**"81-9-201. Meat establishment license -- fees and renewals.** (1) Except as provided in ~~50-49-303~~ 50-49-203, it is unlawful for a person, firm, or corporation to engage in the business of slaughtering livestock or poultry, including the operation of a mobile slaughter facility as defined in 81-9-217, or processing, storing, or



wholesaling livestock or poultry products without having a license issued by the department. The department shall establish an annual fee for a license issued under this section, to be paid into the state special revenue fund for the use of the department.

(2) All licenses expire each year on the anniversary date established by rule by the board of review established in 30-16-302 and must be renewed by the department on request of the licensee. However, when the department finds that the establishment for which the license is issued is not conducted in accordance with the rules and orders of the board made under 81-2-102, the department shall revoke the license and may not renew it until the establishment is in a sanitary condition in accordance with department rules.

(3) Investor-owned equine slaughter or processing facilities must be licensed pursuant to this section.

(4) A person, firm, or corporation violating this section or any rule or order promulgated by authority of 81-2-102 is guilty of a misdemeanor and upon conviction shall be fined not more than \$500."

**Section 27.** Section 81-9-218, MCA, is amended to read:

**"81-9-218. Exemptions.** (1) The following persons are exempt from 81-9-201, 81-9-216 through 81-9-220, and 81-9-226 through 81-9-236:

(a) a person who slaughters livestock or poultry or prepares or processes livestock or poultry products for the person's own personal or household use;

(b) a person who transports dead, dying, or diseased animals or poultry for the purpose of treatment, burial, or disposal in a manner that would prevent the carcasses from being used as human food; and

(c) a producer as defined in 50-49-202 who sells homemade food or slaughters fewer than 1,000 poultry birds a year pursuant to ~~50-49-303~~ 50-49-203 except that the producer is subject to the requirements of 9 CFR 381.10(c) and the recordkeeping requirements of 9 CFR 381.175.

(2) A person engaged in the custom slaughtering of livestock or poultry delivered by the owner for custom slaughter or a person engaged in the preparation of the carcasses and parts and meat food products of the livestock or poultry when slaughtered or prepared for exclusive use in the owner's household by the owner or members of the owner's household or the owner's nonpaying guests or employees is exempt from 81-9-216,

81-9-217, 81-9-220, and 81-9-226 through 81-9-236 if the carcasses, parts, or meat food products or containers of the articles are:

- (a) kept separate from carcasses, parts, or meat food products prepared for sale;
- (b) plainly marked "Not for Sale" immediately after being slaughtered or prepared and remain plainly marked until delivered to the owner; and
- (c) prepared and packaged in a sanitary manner and in a sanitary facility."

**Section 28.** Section 81-9-240, MCA, is amended to read:

**"81-9-240. Equine slaughter or processing facilities -- no injunction to stop -- damages allowed for delay.** (1) A court of this state may not issue an injunction stopping or delaying the construction of an equine slaughter or processing facility licensed pursuant to 81-9-201 based on a challenge or appeal of a permit, license, certificate, or other approval issued in conjunction with a proposed equine slaughter or processing facility based on the provisions of:

- (a) Title 75, chapter 1, parts 1 through 3;
  - (b) Title 75, chapter 2, parts 1 through 4;
  - (c) Title 75, chapter 5, part 4;
  - (d) Title 75, chapter 10, part 1 and parts ~~3~~<sup>4</sup> through 13; or
  - (e) this part.
- (2) If a person files an action against the operation of an equine slaughter or processing facility and does not prevail, the person is liable for all financial losses the facility suffers if the court issues an injunction that halts operations while the action is pending."

**Section 29. Directions to code commissioner.** (1) Wherever a reference to 5-11-210 appears in legislation enacted by the 2025 legislature and requires a new report to the legislature, the code commissioner is directed to include the report under the appropriate interim committee as listed in 5-11-222.

(2) Wherever a reference to 5-11-210 is repealed or stricken in legislation enacted by the 2025 legislature, the code commissioner is directed to strike that report from 5-11-222.

(3) Wherever a reference to 5-11-210 is terminated, the code commissioner is directed to strike

that report from 5-11-222.

**Section 30. Directions to code commissioner.** The code commissioner is directed to implement 1-11-101(2)(g)(ii) by correcting any clearly inaccurate references to other sections of the Montana Code Annotated contained in material enacted by the 69th legislature and previous legislatures.

- END -

I hereby certify that the within bill,  
HB 112, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

HOUSE BILL NO. 112

INTRODUCED BY S. FITZPATRICK

BY REQUEST OF THE CODE COMMISSIONER

AN ACT REVISING AND CLARIFYING THE MONTANA CODE ANNOTATED; DIRECTING THE CODE COMMISSIONER TO CORRECT ERRONEOUS REFERENCES CONTAINED IN MATERIAL ENACTED BY THE 69TH LEGISLATURE AND PREVIOUS LEGISLATURES; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, APPEARS IN LEGISLATION ENACTED BY THE 2025 LEGISLATURE AND REQUIRES A NEW REPORT TO THE LEGISLATURE, THE CODE COMMISSIONER SHALL INCLUDE THE REPORT UNDER THE APPROPRIATE INTERIM COMMITTEE IN SECTION 5-11-222, MCA; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, IS REPEALED OR STRICKEN IN LEGISLATION ENACTED BY THE 2025 LEGISLATURE, THE CODE COMMISSIONER SHALL STRIKE THAT REPORT FROM SECTION 5-11-222, MCA; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, IS TERMINATED, THE CODE COMMISSIONER SHALL STRIKE THAT REPORT FROM SECTION 5-11-222, MCA; AND AMENDING SECTIONS 2-6-1102, 2-15-116, 2-15-401, 2-17-513, 2-17-603, 2-17-807, 2-17-808, 5-11-222, 5-15-101, 15-30-2191, 15-31-172, 16-4-111, 17-7-502, 20-11-107, 20-15-310, 25-1-1101, 25-1-1111, 25-1-1112, 26-1-802, 27-1-1101, 53-6-101, 53-25-102, 61-8-1016, 76-13-418, 81-2-501, 81-9-201, 81-9-218, AND 81-9-240, MCA.