



MARCH 12, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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HOUSE BILL NO. 231

INTRODUCED BY *Bob Pursell / Alaska Menasha*  
*Thomas J. Brown*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROCESS FOR DELIVERING REPORTS TO THE LEGISLATURE; AND AMENDING SECTIONS 1-11-204, 2-4-411, 2-7-104, 2-8-112, 2-8-203, 2-8-207, 2-8-208, 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126, 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102, 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346, 20-25-236, 20-25-301, 22-3-107, 23-5-1008, 33-22-1513, 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103, 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104, 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202, 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704, 76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161, 85-1-407, 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203, AND 90-4-111, MCA."

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

NEW SECTION. **Section 1.** Clearinghouse for reports to

legislature. (1) For the purposes of this section, "report" means a document required to be prepared for the legislature as required in any of the sections listed in subsection (8).

(2) On or before September 1 of each year preceding the convening of a regular session of the legislature, an entity

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required to report to the legislature shall provide, in writing, to the executive director of the legislative council:

- (a) the final title of the report;
- (b) an abstract or description of the contents of the report, not to exceed one page;
- (c) a recommendation on how many copies of the report should be provided to the legislature;
- (d) the reasons why the number of copies recommended is, in the opinion of the reporting entity, the appropriate number of copies;
- (e) an estimated cost for each copy of the report; and
- (f) the date on which the entity will deliver the final, published copies of the report to the legislature.

(3) After considering all of the information available about the report, the legislative council or the executive director shall, in writing, direct the reporting entity to provide a specific number of copies. The number of copies required is at the sole discretion of the legislative council. The legislative council or the executive director may require the reporting entity to mail the copies of the report.

(4) The legislative council may require that the report be submitted in an electronic format useable on the legislature's current computer hardware, in a microform,



1 such as microfilm or microfiche, or in a CD-ROM format,  
2 meaning compact disc read-only memory.

3 (5) Costs of preparing and distributing a report to the  
4 legislature, including writing, printing, postage,  
5 distribution, and all other costs accrue to the reporting  
6 agency. Costs incurred in meeting the requirements of this  
7 section may not accrue to the legislative council.

8 (6) The executive director of the legislative council  
9 shall cause to be prepared a list of all reports required to  
10 be presented to the legislature from the list of titles  
11 received under subsection (2).

12 (7) The executive director of the legislative council  
13 may keep as many copies of a report as he considers  
14 necessary, and copies of the report may be discarded at his  
15 discretion.

16 (8) (a) A report to the legislature includes a report  
17 required to be made by a board, bureau, commission,  
18 committee, council, department, division, fund, authority,  
19 or officer of the state or a local government in 1-11-204,  
20 2-4-411, 2-7-104, 2-8-112, 2-8-203, 2-8-207, 2-8-208,  
21 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126,  
22 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102,  
23 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346,  
24 20-25-236, 20-25-301, 22-3-107, 23-5-1008, 33-22-1513,  
25 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103,

1 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104,  
2 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202,  
3 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704,  
4 76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161,  
5 85-1-407, 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203,  
6 or 90-4-111.

7 (b) The procedure outlined in this section may also be  
8 used for a report required to be made to the legislature  
9 under the Multistate Tax Compact contained in 15-1-601, the  
10 Vehicle Equipment Safety Compact contained in 61-2-201, the  
11 Multistate Highway Transportation Agreement contained in  
12 61-10-1101, or the Western Interstate Nuclear Compact  
13 contained in 90-5-201.

14 **Section 2.** Section 1-11-204, MCA, is amended to read:

15 "1-11-204. Duties of code commissioner. (1) Prior to  
16 January 1, 1979, the code commissioner shall recodify all  
17 the laws of a general and permanent nature appearing in the  
18 codes and session laws and prepare them for publication.

19 (2) Prior to January 1, 1979, the commissioner shall  
20 prepare and submit to the legislature a report which is  
21 certified by the commissioner as the "Official Report of the  
22 Montana Code Commissioner", together with a bill enacting  
23 the Montana Code Annotated. A copy of the report and bill  
24 shall be deposited with the secretary of state. The report  
25 shall explain and indicate, in tabular or other form, all

1 changes made during recodification, other than punctuation  
2 and capitalization, to clearly indicate the character of  
3 each change.

4 (3) Prior to the November 1 immediately preceding each  
5 regular legislative session, the commissioner shall prepare  
6 and, as provided in [section 1], submit to the legislative  
7 council a report, in tabular or other form, indicating the  
8 commissioner's recommendations for legislation which will:

- 9 (a) eliminate archaic or outdated laws;  
10 (b) eliminate obsolete or redundant wording of laws;  
11 (c) eliminate any duplications in law and any laws  
12 repealed directly or by implication;  
13 (d) clarify existing laws;  
14 (e) correct errors and inconsistencies within the laws.  
15 (4) The commissioner shall cause to be prepared for  
16 publication with the Montana Code Annotated the following  
17 material:  
18 (a) Statutory history of each code section;  
19 (b) Annotations of state and federal court decisions  
20 relating to the subject matter of the code;  
21 (c) Such editorial notes, cross-references, and other  
22 matter as the commissioner considers desirable or  
23 advantageous;  
24 (d) The Declaration of Independence;  
25 (e) The Constitution of the United States of America

1 and amendments thereto;

2 (f) Acts of congress relating to the authentication of  
3 laws and records;

4 (g) The Organic Act of the Territory of Montana;

5 (h) The Enabling Act;

6 (i) The 1972 Constitution of the State of Montana and  
7 any amendments thereto;

8 (j) The Ordinances relating to federal relations and  
9 elections;

10 (k) Rules of civil, criminal, and appellate procedure  
11 and such other rules of procedure as the Montana supreme  
12 court may adopt; and

13 (1) A complete subject index, a popular name index, and  
14 comparative disposition tables or cross-reference indexes  
15 relating sections of the Montana Code Annotated to prior  
16 compilations and session laws.

17 (5) After publication of the Montana Code Annotated,  
18 the code commissioner shall:

19 (a) annotate, arrange, and prepare for publication all  
20 laws of a general and permanent nature enacted at each  
21 legislative session and assign catchlines and code section  
22 numbers to each new section;

23 (b) continue to codify, index, arrange, rearrange, and  
24 generally update the Montana Code Annotated to maintain an  
25 orderly and logical arrangement of the laws in order to

1 avoid future need for bulk revision;

2 (c) prepare and publish a report entitled "Official  
3 Report of the Montana Code Commissioner--(year)" which  
4 indicates, in tabular or other form, all changes made during  
5 the continuous recodification, other than punctuation,  
6 spelling, and capitalization, to clearly indicate the  
7 character of each change made since the last such report.

8 (6) From time to time the commissioner shall confer  
9 with members of the judiciary and the state bar relative to  
10 recodification procedures."

11 **Section 3.** Section 2-4-411, MCA, is amended to read:

12 "**2-4-411. Report.** The committee shall prepare and, as  
13 provided in [section 1], submit a report to the legislature  
14 ~~at-least-once-each-biennium~~ and may recommend amendments to  
15 the Montana Administrative Procedure Act or the repeal,  
16 amendment, or adoption of a rule as provided in 2-4-412."

17 **Section 4.** Section 2-7-104, MCA, is amended to read:

18 "**2-7-104. Revenue estimate -- report to governor and**  
19 **legislature.** The director of revenue shall prepare revenue  
20 estimates of state revenue from all sources and shall  
21 continuously study fiscal problems and tax structures of  
22 state and local governments and submit the studies to the  
23 governor and, as provided in [section 1], to the legislature  
24 ~~at-their-request.~~"

25 **Section 5.** Section 2-8-112, MCA, is amended to read:

1 "**2-8-112. Legislative audit committee review and report**  
2 **-- review criteria.** (1) The legislative audit committee is  
3 responsible for conducting a review of each agency or  
4 program scheduled for termination. The review shall be  
5 completed at least 6 months prior to the date set for  
6 termination. If for any reason a review of an agency or  
7 program cannot be completed as required by this chapter, the  
8 legislative audit committee shall submit a proposed bill for  
9 the ensuing legislative session to reestablish the agency or  
10 program.

11 (2) The review conducted shall include a performance  
12 audit of the agency or program, with emphasis on its effect  
13 on the public health, safety, and welfare.

14 (3) The legislative audit committee shall assist in the  
15 implementation of the provisions of this part and shall  
16 establish administrative procedures which facilitate the  
17 review and evaluation as required in this part.

18 (4) Upon completion of its review, the legislative  
19 audit committee shall, as provided in [section 1], make a  
20 report of its recommendations for continuation,  
21 modification, or termination and submit a proposed bill to  
22 the ensuing legislative session. If termination is  
23 recommended, the bill should repeal or otherwise deal with  
24 all statutes and parts of statutes relating to the agency's  
25 or program's activities."

**Section 6.** Section 2-8-203, MCA, is amended to read:

"2-8-203. **Committee review and report.** (1) Except as provided in subsection (5), the committee shall review and assess the merits of any proposal to:

(a) establish a new licensing board; or

(b) add to the duties of an existing licensing board responsibility for licensing another occupation or profession.

(2) Any proposal subject to review under subsection (1) must be submitted, in the form of a legislative report, to the committee at least 180 days before the first day of the next regular legislative session.

(3) The committee shall conduct the review required by subsection (1) only if the report includes:

(a) the information required by 2-8-204; and

(b) a completed application as provided in 2-8-205.

(4) The committee shall prepare and, as provided in [section 1], submit a report to the legislature for its next regular session. The report must include but is not limited to:

(a) the committee's estimate of the cost to the state of licensing the occupation or profession and a proposed schedule of fees that will recover the cost of the licensing program as required by 37-1-134; and

(b) the committee's recommendation as to whether the

profession or occupation should be licensed by the state.

(5) The provisions of this part do not apply to an agency, profession, or occupation that is required to be licensed or regulated by federal law."

**Section 7.** Section 2-8-207, MCA, is amended to read:

"2-8-207. **Consolidation of existing boards.** Any person or organization may propose consolidation of two or more existing boards. The provisions of 2-8-202 through 2-8-205 apply to such a proposal, except that:

(1) the committee shall designate a representative of each of the occupations or professions regulated by the licensing boards proposed for consolidation, and each representative must be treated as an applicant for purposes of 2-8-202 through 2-8-205; and

(2) the committee shall weigh the merits of the proposed consolidation against the merits of retaining a separate licensing board for each affected occupation or profession and recommend in its report recommend submitted to the legislature as provided in [section 1]:

(a) the proposed consolidation;

(b) continuation of the existing licensing boards; or

(c) a modification of the proposed consolidation."

**Section 8.** Section 2-8-208, MCA, is amended to read:

"2-8-208. **Boards or licensing functions instituted by initiative.** (1) If an initiative to establish a new

1 licensing board or to add a new licensing responsibility to  
2 the duties of an existing licensing board is approved by the  
3 electorate, the committee shall:

4 (a) review the initiative to assess the degree to which  
5 it meets the criteria in 2-8-204(1);

6 (b) request that the petitioners provide sufficient  
7 information from practitioners or other persons to allow the  
8 committee to make an assessment as required by 2-8-204(3);  
9 and

10 (c) evaluate the petitioners' initiative in terms of:

11 (i) clarity and conciseness;

12 (ii) conformity to existing statutes and principles of  
13 administrative law; and

14 (iii) specificity of the delegation of authority to  
15 promulgate rules and set fees.

16 (2) The committee shall prepare and, as provided in  
17 [section 1], submit a report to the ~~next-session-of-the~~  
18 legislature. The report must include:

19 (a) the committee's findings with respect to each of  
20 the criteria in 2-8-204;

21 (b) an estimate of the cost to the state of licensing  
22 the occupation or profession and a proposed schedule of fees  
23 that will cover the cost of the licensing program as  
24 required by 37-1-134;

25 (c) the committee's recommendation as to whether the

1 initiative should be amended; and

2 (d) if amendments are recommended, a legislative  
3 proposal.

4 (3) Committee recommendations for amendments to the  
5 initiative must be incorporated in a bill introduced during  
6 the next session of the legislature."

7 **Section 9.** Section 2-15-2021, MCA, is amended to read:

8 "2-15-2021. Gaming advisory council -- allocation --  
9 composition -- compensation -- annual report. (1) There is a  
10 gaming advisory council.

11 (2) The gaming advisory council is allocated to the  
12 department for administrative purposes only as prescribed in  
13 2-15-121.

14 (3) The gaming advisory council consists of nine  
15 members. One member must be from the senate, and one member  
16 must be from the house of representatives. The senate  
17 committee on committees and the speaker of the house of  
18 representatives shall appoint the legislative members of the  
19 council. The seven remaining members must be appointed by  
20 the department, with one representing the public at large,  
21 two representing local governments, one being a Native  
22 American, and three representing the gaming industry.

23 (4) Each gaming advisory council member is appointed to  
24 a 3-year term of office, except that three of the  
25 first-appointed original members shall serve a 1-year term,



1 three (including both legislative members) shall serve a  
2 2-year term, and three shall serve a 3-year term. A member  
3 of the council may be removed for good cause by the  
4 appointing body provided for in subsection (3).

5 (5) The gaming advisory council shall appoint a  
6 chairman from its members.

7 (6) Legislative members of the gaming advisory council  
8 are entitled to compensation and expenses, as provided in  
9 5-2-302, while the council is meeting. The remaining members  
10 are entitled to travel, meals, and lodging expenses as  
11 provided for in 2-18-501 through 2-18-503. Expenses of the  
12 council must be paid from licensing fees received by the  
13 department.

14 (7) The gaming advisory council shall, within its  
15 authorized budget, hold meetings and incur expenses as it  
16 considers necessary to study all aspects of gambling in the  
17 state.

18 (8) (a) The gaming advisory council shall submit an  
19 annual report to the department, at a time designated by the  
20 department, with recommendations for amendments to the  
21 gambling statutes, the need for additional or modified  
22 department rules, the clarification of existing rules, and  
23 other recommendations on the operation of the department or  
24 any other gambling-related matter.

25 (b) The annual report required under subsection (8)(a)

1 must be affixed to the annual department report on gambling  
2 in the state. The department and council shall, as provided  
3 in [section 1], submit the two most recent department and  
4 council reports to ~~each-of-the-next-two-regular-sessions-of~~  
5 the legislature.

6 (c) The council may submit interim reports to the  
7 department as the council considers necessary.

8 (d) The council shall meet with the department upon  
9 request of the department.

10 (e) The department shall meet with the council upon  
11 request of the council.

12 (9) The department shall give each council member  
13 notice and a copy of each proposed change in administrative  
14 rules relating to gambling. The notice and copy must be  
15 given at the time a notice of proposed rules changes is  
16 filed with the secretary of state. The council shall review  
17 the proposal, may comment on it, and may attend any hearing  
18 on the proposal. The department shall consider any comment  
19 by any council member or by the council as a whole prior to  
20 adopting the proposed change."

21 **Section 10.** Section 2-18-209, MCA, is amended to read:

22 "2-18-209. Status report. The department of  
23 administration shall, as provided in [section 1], report to  
24 the legislature the status of the study of the comparable  
25 worth standard and the extent to which Montana's

1 classification plan and pay schedules adhere to or fall  
 2 short of the standard of equal pay for comparable worth. The  
 3 department shall make recommendations to the legislature as  
 4 to what impediments exist to meeting this standard. The  
 5 department shall continue to make such reports until the  
 6 standard is met."

7 **Section 11.** Section 2-18-811, MCA, is amended to read:

8 "2-18-811. General duties of the department. The  
 9 department shall:

10 (1) adopt rules for the conduct of its business under  
 11 this part and to carry out the purposes of this part;

12 (2) negotiate and administer contracts for state  
 13 employee group benefit plans;

14 (3) design state employee group benefit plans,  
 15 establish specifications for bids, and make recommendations  
 16 for acceptance or rejection of bids;

17 (4) prepare an annual report which describes the state  
 18 employee group benefit plans being administered, details the  
 19 historical and projected program costs and the status of  
 20 reserve funds, and makes recommendations, if any, for change  
 21 in existing state employee group benefit plans; and

22 (5) prior to each legislative session, perform or  
 23 obtain an analysis of rate adequacy of all state employee  
 24 group benefit plans administered under this part; and

25 (6) The department shall make copies of as provided in

1 [section 1], submit the report available required in this  
 2 section to the legislature."

3 **Section 12.** Section 2-18-1103, MCA, is amended to read:

4 "2-18-1103. Powers and duties of the department. The  
 5 department shall:

6 (1) adopt rules to equitably administer the employee  
 7 incentive award program;

8 (2) provide an opportunity for all employees to  
 9 participate in the program;

10 (3) assist agencies in making incentive awards under  
 11 the program;

12 (4) grant or deny incentive awards in consultation with  
 13 the incentive awards advisory council and determine the  
 14 amount of each incentive award based on first-year monetary  
 15 savings;

16 (5) hear appeals from employees on the operation of the  
 17 program;

18 (6) prepare and submit, as provided in [section 1], a  
 19 biennial report to the legislature containing a list of  
 20 incentive awards and the corresponding savings to the state  
 21 resulting from each employee's suggestion or invention and  
 22 providing a general review of and recommendations for  
 23 improving the program; and

24 (7) send a copy of all suggestions or inventions  
 25 submitted under this program to the office of the

1 legislative fiscal analyst."

2 **Section 13.** Section 3-1-702, MCA, is amended to read:

3 "3-1-702. Duties. The court administrator is the  
4 administrative officer of the court. Under the direction of  
5 the supreme court, the court administrator shall:

6 (1) prepare and present judicial budget requests to the  
7 legislature;

8 (2) collect, compile, and report statistical and other  
9 data relating to the business transacted by the courts and  
10 provide ~~such~~ the information to the legislature pursuant to  
11 [section 1] upon request;

12 (3) recommend to the supreme court improvements in the  
13 judiciary; and

14 (4) perform such other duties as the supreme court may  
15 assign."

16 **Section 14.** Section 3-1-1126, MCA, is amended to read:

17 "3-1-1126. Commission report to legislature. (1) The  
18 commission shall, as provided in [section 1], submit to the  
19 legislature ~~each--year--the--legislature--meets--in-regular~~  
20 ~~session~~ a report containing the following information:

21 (a) identification of each complaint, whether or not  
22 verified, received by the commission during the preceding  
23 biennium by a separate number that in no way reveals the  
24 identity of the judge complained against;

25 (b) the date each complaint was filed;

1 (c) the general nature of each complaint;

2 (d) whether there have been previous complaints against  
3 the same judge and, if so, the general nature of the  
4 previous complaints;

5 (e) the present status of all complaints filed with or  
6 pending before the commission during the preceding biennium;  
7 and

8 (f) whenever a final disposition of a complaint has  
9 been made during the preceding biennium, the nature of the  
10 disposition, the commission's recommendation, if any, to the  
11 supreme court, and the action taken by the supreme court.

12 (2) The commission must observe the confidentiality  
13 provisions of this part in fulfilling the requirements of  
14 this section."

15 **Section 15.** Section 5-5-216, MCA, is amended to read:

16 "5-5-216. Recommendations of subcommittees. A  
17 subcommittee appointed for the purpose of making a study  
18 designated by the legislative council may make  
19 recommendations for legislation. These recommendations and  
20 the study report shall be submitted to the legislature ~~at~~  
21 ~~the-next-regular-session~~ as provided in [section 1]."

22 **Section 16.** Section 5-13-304, MCA, is amended to read:

23 "5-13-304. Powers and duties. The legislative auditor  
24 shall:

25 (1) conduct a financial and compliance audit of every

1 state agency every 2 years covering the 2-year period since  
2 the last audit, unless otherwise required by state law;

3 (2) conduct a special audit whenever he determines it  
4 necessary and shall so advise the members of the legislative  
5 audit committee;

6 (3) make a complete written report of each audit. A  
7 copy of each report shall be furnished to the department of  
8 administration, the state agency which was audited, each  
9 member of the committee, and the legislative council.

10 (4) report immediately in writing to the attorney  
11 general and the governor any apparent violation of penal  
12 statutes disclosed by the audit of a state agency and  
13 furnish the attorney general with all information in his  
14 possession relative to the violation;

15 (5) report immediately in writing to the governor any  
16 instances of misfeasance, malfeasance, or nonfeasance by a  
17 state officer or employee disclosed by the audit of a state  
18 agency;

19 (6) report immediately to the surety upon the bond of  
20 an official or employee when an audit discloses a shortage  
21 in the accounts of the official or employee. Failure to  
22 notify the surety does not release the surety from any  
23 obligation under the bond.

24 (7) report to the legislature ~~during the first week of~~  
25 ~~each regular session~~ as provided in [section 1]. The report

1 shall contain, among other things, copies of or summaries of  
2 audit reports on state agencies and any recommendations  
3 relating to such reports.

4 (8) have the authority to audit records of  
5 organizations and individuals receiving grants from or on  
6 behalf of the state to determine that the grants are  
7 administered in accordance with the grant terms and  
8 conditions. Whenever a state agency enters into an agreement  
9 to grant resources under its control to others, the agency  
10 must obtain the written consent of the grantee to the audit  
11 provided for in this subsection."

12 **Section 17.** Section 5-17-103, MCA, is amended to read:

13 "5-17-103. Report to legislature. The committee shall  
14 prepare a written report of its activities and  
15 recommendations and present the report to the legislature at  
16 ~~each regular session~~ as provided in [section 1] for the  
17 purpose of assisting the legislature in determining if such  
18 recommendations should be implemented. To prepare its report  
19 and recommendations, the committee may receive assistance  
20 from the legislative council."

21 **Section 18.** Section 5-18-203, MCA, is amended to read:

22 "5-18-203. Powers and duties of subcommittee. (1) The  
23 coal tax oversight subcommittee may:

24 (a) review the programs financed by coal severance tax  
25 funds; and

1 (b) consider any matters relating to coal taxation.

2 (2) The subcommittee shall:

3 (a) report and make recommendations to the revenue  
4 oversight committee; and

5 (b) as provided in [section 1], prepare for ~~each~~  
6 ~~regular--session--of~~ the legislature a report on potential  
7 uses of the coal tax trust fund to develop a stable, strong,  
8 and diversified Montana economy that meets the needs of  
9 present and future generations of Montanans while  
10 maintaining and improving a clean and healthful environment  
11 as required by Article IX, section 1, of the Montana  
12 constitution."

13 **Section 19.** Section 5-19-108, MCA, is amended to read:

14 "5-19-108. Duties of the committee. The committee  
15 shall:

16 (1) seek opinions of and information from Indian  
17 tribes, Indian tribal organizations, state agencies, local  
18 governments, non-Indians living on or near Indian  
19 reservations, and other interested persons and agencies in  
20 order to gain insight into Indian/non-Indian relations;

21 (2) hold hearings both on and off reservations to  
22 promote better understanding between tribes and public  
23 agencies and to improve both the Indian people's knowledge  
24 of the structure of state agencies and the legislative  
25 process and the non-Indian people's knowledge of tribal

1 government and institutions;

2 (3) encourage and foster participation of Indian people  
3 at its meetings;

4 (4) act as a liaison between the Indian people and the  
5 legislature;

6 (5) encourage tribal-state and tribal-local government  
7 cooperation and otherwise promote amicable Indian/non-Indian  
8 relations;

9 (6) cooperate with the commissioner of higher education  
10 in a study of Indian students in Montana schools; and

11 (7) as provided in [section 1], report its activities,  
12 findings, recommendations, and any proposed legislation to  
13 the legislature."

14 **Section 20.** Section 10-4-102, MCA, is amended to read:

15 "10-4-102. Department of administration duties and  
16 powers. (1) The department shall assist in the development  
17 of 9-1-1 systems in the state. The department shall:

18 (a) establish procedures for determining and evaluating  
19 requests for variations from minimum 9-1-1 service;

20 (b) upon request of a 9-1-1 jurisdiction, assist in  
21 planning an emergency 9-1-1 telephone system;

22 (c) establish criteria for evaluating plans;

23 (d) monitor implementation of approved plans for  
24 compliance with the plan and use of funding; and

25 (e) as provided in [section 1], report ~~biennially~~ to

1 the legislature the progress made in implementing a  
2 statewide emergency telephone system.

3 (2) The department shall obtain input from all 9-1-1  
4 jurisdictions by creating an advisory council to participate  
5 in development and implementation of the 9-1-1 program in  
6 the state. The council must be established pursuant to  
7 2-15-122. The highway patrol, emergency medical services  
8 organizations, telephone companies, the associated public  
9 safety communicators, the department of emergency services,  
10 police departments, sheriff's departments, local citizens,  
11 organizations, and other public safety organizations may  
12 submit recommendations for membership on the advisory  
13 council."

14 **Section 21.** Section 15-1-205, MCA, is amended to read:

15 "15-1-205. Biennial report -- contents. (1) The  
16 department shall transmit to the governor 20 days before the  
17 meeting of the legislature and upon request to each member  
18 of, as provided in [section 1], submit to the legislature 20  
19 days before the meeting of the legislature a report of the  
20 department showing all the taxable property of the state,  
21 counties, and cities and its value, in tabulated form, with  
22 recommendations for improvements in the system of taxation,  
23 together with alternative measures as may be formulated for  
24 the consideration of the legislature.

25 (2) The report or supplements to the report may also

1 include:

2 (a) the gross dollar amount of revenue loss  
3 attributable to:

4 (i) personal income and corporation license tax  
5 exemptions;

6 (ii) property tax exemptions for which application to  
7 the department or its agent is necessary;

8 (iii) deferral of income;

9 (iv) credits allowed against Montana personal income tax  
10 or Montana corporation license tax, reported separately;

11 (v) deductions from income; and

12 (vi) any other identifiable preferential treatment of  
13 income or property;

14 (b) any change in tax revenue of the state or any unit  
15 of local government attributable to a change in federal tax  
16 law; and

17 (c) any change in the revenue of any unit of local  
18 government attributable to a change in state tax law.

19 (3) The data described in subsection (2), if reported,  
20 must be related to the income and age of the taxpayer  
21 whenever such information is available.

22 (4) (a) When reporting the data described in subsection  
23 (2)(a), the department shall identify any known purpose of  
24 the preferential treatment.

25 (b) Based upon the purpose of the preferential

1 treatment, the department shall outline the available data  
2 necessary to determine the effectiveness of the preferential  
3 treatment.

4 (5) In reporting the data described in subsection (2),  
5 the department shall report any comparable data, if  
6 available, from Wyoming, Idaho, North Dakota, and South  
7 Dakota and from any other state the department may choose.

8 (6) The department must identify in a separate section  
9 of the report any changes that have been made or that are  
10 contemplated in property appraisal or assessment.

11 (7) The department may include a report showing the  
12 selling price of gasoline at the wholesale level in prime  
13 market centers of Montana and in surrounding states during  
14 the biennium, with indexes tabulated at sufficient intervals  
15 to show the comparative state price structures."

16 **Section 22.** Section 17-4-107, MCA, is amended to read:

17 "17-4-107. Write-off procedures. (1) The state auditor  
18 may establish procedures for canceling and writing off  
19 accounts receivable carried on the books of the various  
20 state agencies which have been transferred to him pursuant  
21 to 17-4-104 and which are uncollectible or the continued  
22 pursuance of the collection thereof would cost the state  
23 more than the amount collected. Such procedures shall be  
24 established in accordance with subsection (2).

25 (2) The department of administration may establish

1 procedures for canceling and writing off accounts receivable  
2 carried on the books of various state agencies which are  
3 uncollectible or the continued pursuance of the collection  
4 would cost the state more than the amount collected. Such  
5 procedures shall include the reporting, as provided in  
6 [section 1], of any canceling and writing off of accounts  
7 receivable ~~to the next session of the legislature.~~"

8 **Section 23.** Section 17-5-1650, MCA, is amended to read:

9 "17-5-1650. Annual report. By December 31 of each year,  
10 the board shall publish a financial report for distribution  
11 to the governor, the legislature as provided in [section 1],  
12 and the public. The report must include a statement of the  
13 board's current financial position with respect to its  
14 activities under this part, a summary of its activities  
15 pursuant to this part during the previous year (including a  
16 listing of the local governmental securities purchased by  
17 the board, a listing of the bonds and notes sold by the  
18 board, and a summary of the performance of any other  
19 investments of the board's funds received under this part),  
20 an estimate of the levels of such activities for the next  
21 year, and a comparison of such activities during the  
22 previous year with the estimates of those activities that  
23 were made in the previous annual report."

24 **Section 24.** Section 18-7-303, MCA, is amended to read:

25 "18-7-303. Duties of committee. The committee shall:

1 (1) adopt standards for the efficient and economical  
2 publication of public documents;

3 (2) review proposals for publishing of all public  
4 documents prior to publication to determine:

5 (a) that the publication is necessary; and

6 (b) that the publication meets the standards of  
7 efficient and economical publication; and

8 (3) prepare a report for submission to each the  
9 legislature, as provided in [section 1], detailing the  
10 savings to state government resulting from this part."

11 **Section 25.** Section 19-4-201, MCA, is amended to read:

12 "19-4-201. Administration by retirement board. The  
13 retirement board shall administer and operate the retirement  
14 system within the limitations prescribed by this chapter,  
15 and to this end, it is the duty of the retirement board to:

16 (1) establish rules necessary for the proper  
17 administration and operation of the retirement system;

18 (2) approve or disapprove all expenditures necessary  
19 for the proper operation of the retirement system;

20 (3) keep a record of all its proceedings, which must be  
21 open to public inspection;

22 (4) publish a biennial report by January 1 of each year  
23 the legislature meets which reports in detail the fiscal  
24 transactions for the 2 fiscal years immediately preceding  
25 the report due date, the amount of the accumulated cash and

1 securities of the retirement system, and the last fiscal  
2 year balance sheet showing the assets and liabilities of the  
3 retirement system and submit the biennial report to the  
4 governor and, furnish copies as provided in [section 1], to  
5 the legislature;

6 (5) keep in convenient form that data which is  
7 necessary for actuarial valuation of the various funds of  
8 the retirement system and for checking the experience of the  
9 retirement system;

10 (6) prepare an annual valuation of the assets and  
11 liabilities of the retirement system;

12 (7) prescribe a form for membership application which  
13 will provide adequate and necessary information for the  
14 proper operation of the retirement system;

15 (8) annually determine the rate of regular interest as  
16 prescribed in 19-4-501;

17 (9) establish and maintain the funds of the retirement  
18 system in accordance with the provisions of part 6 of this  
19 chapter; and

20 (10) perform such other duties and functions as are  
21 required to properly administer and operate the retirement  
22 system."

23 **Section 26.** Section 20-9-346, MCA, is amended to read:

24 "20-9-346. Duties of the superintendent of public  
25 instruction for state equalization aid distribution. The



1 superintendent of public instruction shall administer the  
2 distribution of the state equalization aid by:

3 (1) establishing the annual entitlement of each  
4 district and county to state equalization aid, based on the  
5 data reported in the retirement and general fund budgets for  
6 each district that have been duly adopted for the current  
7 school fiscal year and verified by the superintendent of  
8 public instruction and by applying the verified data under  
9 the provisions of the state equalization aid allocation  
10 procedure prescribed in 20-9-347;

11 (2) recommending to the board of public education the  
12 entitlement of all districts and counties to state  
13 equalization aid to enable the board of public education to  
14 order the distribution of state equalization aid;

15 (3) distributing by state warrant or electronic  
16 transfer the state equalization aid, for each district or  
17 county entitled to the aid, to the county treasurer of the  
18 respective county or county where the district is located,  
19 in accordance with the distribution ordered by the board of  
20 public education;

21 (4) keeping a record in his office of the full and  
22 complete data concerning money available for state  
23 equalization aid and the entitlements for state equalization  
24 aid of the districts of the state;

25 (5) reporting to the board of public education the

1 estimated amount that will be available for state  
2 equalization aid; and

3 (6) reporting to ~~both-houses-of~~ the state legislature  
4 ~~in-any-year-when--a--session--is--convened~~ as provided in  
5 [section 1]:

6 (a) the figures and data available in his office  
7 concerning distributions of state equalization aid during  
8 the preceding 2 school fiscal years;

9 (b) the amount of state equalization aid then  
10 available;

11 (c) the apportionment made of the available money but  
12 not yet distributed; and

13 (d) the latest estimate of accruals of money available  
14 for state equalization aid."

15 **Section 27.** Section 20-25-236, MCA, is amended to read:

16 "20-25-236. Report to legislature. The Montana  
17 agricultural experiment station and the cooperative  
18 extension service shall, as provided in [section 1], report  
19 to the legislature regarding the expenditures, activities,  
20 and outcomes of the program provided for in 20-25-233  
21 through 20-25-236."

22 **Section 28.** Section 20-25-301, MCA, is amended to read:

23 "20-25-301. Regents' powers and duties. The board of  
24 regents of higher education shall serve as regents of the  
25 Montana university system, shall use and adopt this style in

1 all its dealings therewith, and shall:

2 (1) have general control and supervision of the units  
3 of the Montana university system, which shall be considered  
4 for all purposes one university;

5 (2) adopt rules, not inconsistent with the constitution  
6 and the laws of the state, for its own government which are  
7 proper and necessary for the execution of the powers and  
8 duties conferred upon it by law;

9 (3) provide, subject to the laws of the state, rules  
10 for the government of the system;

11 (4) grant diplomas and degrees to the graduates of the  
12 system upon the recommendation of the faculties and have  
13 discretion to confer honorary degrees upon persons other  
14 than graduates upon the recommendation of the faculty of  
15 such institutions;

16 (5) keep a record of its proceedings;

17 (6) have, when not otherwise provided by law, control  
18 of all books, records, buildings, grounds, and other  
19 property of the system;

20 (7) receive from the board of land commissioners, other  
21 boards, persons, or from the government of the United States  
22 all funds, incomes, and other property the system may be  
23 entitled to and use and appropriate the property for the  
24 specific purpose of the grant or donation;

25 (8) have general control of all receipts and

1 disbursements of the system;

2 (9) appoint a president and faculty for each of the  
3 institutions of the system, appoint any other necessary  
4 officers, agents, and employees, and fix their compensation;

5 (10) confer upon the executive board of each of the  
6 units of the system such authority as may be deemed  
7 expedient relating to immediate control and management,  
8 other than authority relating to financial matters or the  
9 selection of the teachers, employees, and faculty;

10 (11) confer, at the regents' discretion, upon the  
11 president and faculty of each of the units of the system for  
12 the best interest of the unit such authority relating to the  
13 immediate control and management, other than financial, and  
14 the selection of teachers and employees;

15 (12) prevent unnecessary duplication of courses at the  
16 units of the system;

17 (13) appoint a certified professional geologist or  
18 registered mining engineer as the director of the Montana  
19 state bureau of mines and geology, who shall be designated  
20 the state geologist, and appoint any other necessary  
21 assistants and employees and fix their compensation. The  
22 regents shall prepare and, as provided in [section 1],  
23 submit a report to each regular session of the legislature  
24 showing the progress and condition of the bureau, including  
25 any other necessary or required information.

1 (14) supervise and control the agricultural experiment  
2 station, along with any executive or subordinate board or  
3 authority which may be appointed by the governor with the  
4 advice and consent of the regents;

5 (15) adopt a seal bearing on its face the words "Montana  
6 university system", which must be affixed to all diplomas  
7 and all other papers, instruments, or documents which may  
8 require it;

9 (16) assure an adequate level of security for data and  
10 information technology resources, as defined in 2-15-102,  
11 within the state university system. In carrying out this  
12 responsibility, the board of regents shall, at a minimum,  
13 address the responsibilities prescribed in 2-15-114."

14 **Section 29.** Section 22-3-107, MCA, is amended to read:

15 "22-3-107. Authority of board. The powers and duties of  
16 the trustees are as follows:

17 (1) to elect annually from among their number a  
18 president, a vice-president, and a secretary;

19 (2) to adopt bylaws for their own government and to  
20 make rules, not inconsistent with law, for the proper  
21 administration of the society in the interests of preserving  
22 the rich heritage of this state and its people;

23 (3) to appoint a director, fix his salary, and  
24 prescribe his duties and responsibilities;

25 (4) to create such classes of memberships in the

1 society as they deem desirable, to determine the  
2 qualifications for any class of membership, and to set the  
3 fees to be paid for such memberships;

4 (5) to sell or exchange publications and other museum  
5 or art objects and use the money arising from such sales for  
6 the operation of the society and for the acquisition of  
7 historical materials and objects of art;

8 (6) to sell or exchange surplus or duplicate books,  
9 surplus museum or art objects or artifacts not pertinent to  
10 the region encompassed by the Montana historical society  
11 mission and to use the money arising from such sales  
12 exclusively for acquisitions of library, art, and museum  
13 artifacts;

14 (7) to see that the collections and properties of the  
15 society are maintained in good order and repair;

16 (8) to report to the governor and, as provided in  
17 [section 1], the legislature biennially. The report shall  
18 include a statement of all important transactions and  
19 acquisitions, with suggestions and recommendations for the  
20 better realization of the purposes of the society and the  
21 improvement of its collections and services.

22 (9) to accept, receive, and administer in the name of  
23 the society any gifts, donations, properties, securities,  
24 bequests, and legacies that may be made to the society.  
25 Moneys received by donation, gift, bequest, or legacy,

1 unless otherwise provided by the donor, shall be deposited  
2 in the state treasury and used for the general operation of  
3 the society.

4 (10) to collect, assemble, preserve, and display, where  
5 appropriate, all obtainable books, pamphlets, maps, charts,  
6 manuscripts, journals, diaries, papers, business records,  
7 paintings, drawings, engravings, photographs, statuary,  
8 models, relics, and all other materials illustrative of the  
9 history of Montana in particular and generally of the  
10 Pacific Northwest, Northern Rocky Mountain, and Northern  
11 Great Plains regions and of the United States of America  
12 when pertinent;

13 (11) to procure from pioneers, early settlers, and  
14 others narratives of the events relative to the early  
15 settlement of Montana, the Indian occupancy, Indian and  
16 other wars, overland travel and immigration to the  
17 territories of the west, and all other related documents of  
18 Montana's history, development, and society;

19 (12) to gather contemporary information, specimens, and  
20 all other materials which exhibit faithfully the distinctive  
21 historical and contemporary characteristics of the area,  
22 with particular attention to Indian, military, and pioneer  
23 artifacts and implements;

24 (13) to collect and preserve such natural history  
25 objects as fossils, plants, minerals, and animals;

1 (14) to collect and preserve books, maps, manuscripts,  
2 and other materials as will tend to facilitate historical,  
3 scientific, and antiquarian research;

4 (15) to promote the study of Montana history by lectures  
5 and publications;

6 (16) to publish a roadside history of Montana with maps,  
7 photographs, and text that will enable tourists, citizens,  
8 and students to understand the history of the countryside  
9 seen from the state's main roads;

10 (17) to generally foster and encourage the fine arts and  
11 cultural activities in Montana;

12 (18) to receive for and on behalf of the state, by  
13 donation or otherwise, art objects of any kind and  
14 description and to exhibit and circulate such objects in  
15 Montana and elsewhere;

16 (19) to microfilm papers or documents in danger of  
17 disappearance or injury; and

18 (20) to coordinate the administration of the historic  
19 records network established in 22-3-211."

20 **Section 30.** Section 23-5-1008, MCA, is amended to read:  
21 "23-5-1008. Legislative liaison committee -- bipartisan  
22 -- compensation from lottery fund. (1) There is a  
23 legislative liaison committee.

24 (2) The liaison committee consists of four legislators.  
25 Two members must be from the senate and two members must be

1 from the house of representatives. The speaker of the house  
 2 and the senate committee on committees shall appoint the  
 3 members of the liaison committee, and no more than two  
 4 members may be of the same political party. No legislator  
 5 who has any ownership interest in any gambling device or  
 6 establishment may be appointed to the liaison committee.

7 (3) A member of the liaison committee is entitled to  
 8 compensation and expenses as provided in 5-2-302, paid from  
 9 money appropriated to the lottery, while performing his  
 10 duties as a member of the liaison committee, as provided in  
 11 subsection (4) of this section.

12 (4) The liaison committee shall meet once each fiscal  
 13 year with the commission at Helena and shall, as provided in  
 14 [section 1], report to each legislature on the activities  
 15 and operations of the state lottery."

16 **Section 31.** Section 33-22-1513, MCA, is amended to  
 17 read:

18 \*33-22-1513. Operation of association plan. (1) Upon  
 19 acceptance by the lead carrier under 33-22-1516, an eligible  
 20 person may enroll in the association plan by payment of the  
 21 association plan premium to the lead carrier.

22 (2) Not less than 88% of the association plan premiums  
 23 paid to the lead carrier may be used to pay claims and not  
 24 more than 12% may be used for payment of the lead carrier's  
 25 direct and indirect expenses as specified in 33-22-1514.

1 (3) Any income in excess of the costs incurred by the  
 2 association in providing reinsurance or administrative  
 3 services must be held at interest and used by the  
 4 association to offset past and future losses due to claims  
 5 expenses of the association plan or be allocated to reduce  
 6 association plan premiums.

7 (4) Each participating member of the association shall  
 8 share the losses due to claims expenses of the association  
 9 plan for plans issued or approved for issuance by the  
 10 association and shall share in the operating and  
 11 administrative expenses incurred or estimated to be incurred  
 12 by the association incident to the conduct of its affairs.  
 13 Claims expenses of the association plan that exceed the  
 14 premium payments allocated to the payment of benefits are  
 15 the liability of the association members. Association  
 16 members shall share in the claims expenses of the  
 17 association plan and operating and administrative expenses  
 18 of the association in an amount equal to the ratio of:

19 (a) the association member's total disability insurance  
 20 premium received from or on behalf of Montana residents  
 21 divided by;

22 (b) the total disability premium received by all  
 23 association members from or on behalf of Montana residents,  
 24 as determined by the commissioner.

25 (5) The association shall make an annual determination

1 of each association member's liability, if any, and may make  
 2 an annual fiscal yearend assessment if necessary. The  
 3 association may also, subject to the approval of the  
 4 commissioner, provide for interim assessments against the  
 5 association members as may be necessary to assure the  
 6 financial capability of the association in meeting the  
 7 incurred or estimated claims expenses of the association  
 8 plan and operating and administrative expenses of the  
 9 association until the association's next annual fiscal  
 10 yearend assessment. Payment of an assessment is due within  
 11 30 days of receipt by an association member of a written  
 12 notice of a fiscal yearend or interim assessment. Failure by  
 13 a contributing member to tender to the association the  
 14 assessment within 30 days is grounds for termination of  
 15 membership. An association member that ceases to do  
 16 disability insurance business within the state remains  
 17 liable for assessments through the calendar year during  
 18 which disability insurance business ceased. The association  
 19 may decline to levy an assessment against an association  
 20 member if the assessment, as determined pursuant to this  
 21 section, would not exceed \$10.

22 (6) Any annual fiscal yearend or interim assessment  
 23 levied against an association member may be offset, in an  
 24 amount equal to the assessment paid to the association,  
 25 against the premium tax payable by that association member

1 pursuant to 33-2-705 for the year in which the annual fiscal  
 2 yearend or interim assessment is levied. The insurance  
 3 commissioner shall, ~~each--year--the--legislature--meets--in~~  
 4 ~~regular-session, on or before January 15,~~ as provided in  
 5 [section 1], report to the legislature the total amount of  
 6 premium tax offset claimed by association members during the  
 7 preceding biennium."

8 **Section 32.** Section 37-1-106, MCA, is amended to read:

9 "37-1-106. Biennial report to governor and legislature.  
 10 The department, in cooperation with each licensing board,  
 11 shall prepare a biennial report. The biennial report of the  
 12 department shall contain for each board a summary of the  
 13 board's activities, the board's goals and objectives, a  
 14 detailed breakdown of board revenues and expenditures,  
 15 statistics illustrating board activities concerning  
 16 licensing, summary of complaints received and their  
 17 disposition, number of licenses revoked or suspended,  
 18 legislative or court action affecting the board, and any  
 19 other information the department or board considers  
 20 relevant. The department shall provide a copy of the report  
 21 to the governor and, as provided in [section 1], to the  
 22 legislature."

23 **Section 33.** Section 39-6-101, MCA, is amended to read:

24 "39-6-101. Duties of department. (1) The department of  
 25 labor and industry shall:

1 (a) encourage and promote the making of apprenticeship  
2 agreements conforming to the standards established by or in  
3 accordance with this chapter;

4 (b) register such apprenticeship agreements as are in  
5 the best interests of the apprenticeship and conform to the  
6 standards established by or in accordance with this chapter;

7 (c) keep a record of apprenticeship agreements and,  
8 upon performance thereof, issue certificates of completion  
9 of apprenticeship;

10 (d) terminate or cancel any apprenticeship agreements  
11 in accordance with the provisions of such agreements; and

12 (e) provide assistance for the development of  
13 on-the-job training programs in nonapprenticeable  
14 occupations;

15 (f) establish standards for apprenticeship agreements  
16 in conformity with the provisions of this chapter;

17 (g) issue such rules as may be necessary to carry out  
18 the intent and purposes of this chapter; and

19 (h) perform such other duties as may be required by  
20 federal regulations, provided that such federal regulations  
21 are not in conflict with this chapter.

22 (2) Not less often than once every 2 years, the  
23 department shall make a report through of its activities and  
24 findings to the governor of-its-activities and, as provided  
25 in [section 1], findings to the legislature. 7-which-shall

1 ~~be-made~~ The department shall also make the report available  
2 to the public."

3 **Section 34.** Section 39-51-407, MCA, is amended to read:

4 "39-51-407. Reimbursement of fund by state. This state  
5 recognizes its obligation to replace, and hereby pledges the  
6 faith of this state that funds will be provided in the  
7 future and applied to the replacement of any of the money  
8 received from the United States or any agency thereof under  
9 Title III of the Social Security Act, any unencumbered  
10 balances in the unemployment insurance administration  
11 account, any money granted to this state pursuant to the  
12 provisions of the Wagner-Peyser Act, and any money made  
13 available by the state or its political subdivisions and  
14 matched by such money granted to this state pursuant to the  
15 provisions of the Wagner-Peyser Act which the secretary of  
16 labor finds have, because of any action or contingency, been  
17 lost or have been expended for purposes other than or in  
18 amounts in excess of those found necessary by the secretary  
19 of labor for the proper administration of this chapter. Such  
20 money shall be promptly supplied by money furnished by the  
21 state of Montana or any of its subdivisions for the use of  
22 the department and used only for purposes approved by the  
23 secretary of labor. The department shall, if necessary,  
24 promptly report to the governor and the governor to the  
25 legislature, by a letter to the speaker of the house of

1 representatives and the president of the senate, the amount  
2 required for such replacement."

3 **Section 35.** Section 44-2-304, MCA, is amended to read:

4 **"44-2-304. Report by attorney general.** The attorney  
5 general shall prepare a report in detail covering the  
6 operations of the communications network, the accounting of  
7 all moneys received and expended, and the need to expand or  
8 improve the system. He As provided in [section 1], he shall  
9 submit such the report to the appropriations--committee--of  
10 every legislature at--the-time-funds-are-requested-for-the  
11 administration-of-this-part."

12 **Section 36.** Section 44-13-103, MCA, is amended to read:

13 **"44-13-103. Limitations on use of special law**  
14 **enforcement assistance account.** (1) After property is  
15 credited to the account, the attorney general may:

- 16 (a) transfer the property to any local or state law  
17 enforcement agency to be used for criminal investigation  
18 purposes;
- 19 (b) sell the property by public sale;
- 20 (c) destroy any illegal or controlled substances and  
21 sell or destroy raw materials, products, and equipment used  
22 or intended for use in manufacturing, compounding, or  
23 processing a controlled substance;
- 24 (d) compromise and pay claims against the property; and  
25 (e) make any other disposition of the property

1 authorized by law.

2 (2) Money and proceeds from property credited to the  
3 account may be used by the attorney general for:

4 (a) the payment of any expenses necessary to seize,  
5 detain, appraise, inventory, safeguard, maintain, advertise,  
6 or sell seized, detained, or forfeited property, including  
7 but not limited to payment for contract services and  
8 reimbursement to a federal, state, or local agency for its  
9 expenses;

10 (b) the payment of awards for information or assistance  
11 leading to a criminal proceeding or a civil forfeiture  
12 proceeding;

13 (c) the compromise and payment of claims against  
14 property;

15 (d) the payment of sums for criminal investigation  
16 purposes, including but not limited to:

17 (i) payment of informants;

18 (ii) use by undercover agents to purchase unlawful  
19 substances, including, without limitation, counterfeit or  
20 real controlled substances, pornographic materials, stolen  
21 property, or other contraband;

22 (iii) use by undercover agents as gambling front money;  
23 and

24 (iv) payment of overtime to state or local law  
25 enforcement officers when engaged in special criminal



1 investigations;

2 (e) the payment of funds into the account created by  
3 53-9-109; and

4 (f) matching federal grants for criminal investigation  
5 purposes.

6 (3) The attorney general shall, as provided in [section  
7 1], give submit to the legislature, not later than 4 months  
8 after the end of each fiscal year, a detailed written report  
9 of the amounts and property credited to the account and of  
10 the disposition of money and property credited to the  
11 account, but may not make any disclosure that would  
12 compromise any investigation or prosecution."

13 **Section 37.** Section 46-23-316, MCA, is amended to read:

14 "46-23-316. Governor's report to legislature. The  
15 governor ~~must communicate~~ shall, as provided in [section 1],  
16 report to the legislature ~~at each regular session~~ each case  
17 of remission of fine or forfeiture, respite, commutation, or  
18 pardon granted since the last previous report, stating the  
19 name of the convict, the crime of which he was convicted,  
20 the sentence and its date, the date of remission,  
21 commutation, pardon, or respite, with the reason for  
22 granting the same, and the objection, if any, of any of the  
23 members of the board made thereto."

24 **Section 38.** Section 53-2-1107, MCA, is amended to read:

25 "53-2-1107. Job training plan -- requirements. (1) Each

1 private industry council shall prepare for the service  
2 delivery area a job training plan that has been prepared in  
3 accordance with this part and sections 103 through 105 of  
4 the Job Training Partnership Act (29 U.S.C. 1513 through  
5 1515).

6 (2) Each job training plan must include:

7 (a) the council's priorities for services and groups to  
8 be served within the service delivery area;

9 (b) procedures to be used in identifying and selecting  
10 program participants and in determining and verifying their  
11 eligibility;

12 (c) the type of services and training to be provided,  
13 including the estimated cost per participant;

14 (d) criteria for evaluating the content and quality of  
15 services and training;

16 (e) performance standards as required under 53-2-1108;

17 (f) procedures for selecting service providers as  
18 required under section 107 of the Job Training Partnership  
19 Act (29 U.S.C. 1517);

20 (g) a plan for the coordination of services and  
21 training with other programs as required in 53-2-1109;

22 (h) a procedure for preparing and submitting to the  
23 governor and, as provided in [section 1] if practical, the  
24 legislature an annual report that describes the activities  
25 conducted in the service delivery area during the program

1 year and the extent to which activities exceeded or failed  
2 to meet the performance standards adopted in the job  
3 training plan; and

4 (i) all other information required under section 104 of  
5 the Job Training Partnership Act (29 U.S.C. 1514)."

6 **Section 39.** Section 53-6-110, MCA, is amended to read:

7 "53-6-110. Report and recommendations to legislature on  
8 **medicaid funding.** (1) At the commencement of each  
9 legislative session, the department of social and  
10 rehabilitation services shall submit a report, as provided  
11 in [section 1], to the legislature concerning medicaid  
12 funding for the next biennium. This report must include at  
13 least the following elements:

14 (a) analysis of past and present funding levels for the  
15 various categories and types of health services eligible for  
16 medicaid reimbursement;

17 (b) projected increased medicaid funding needs for the  
18 next biennium. These projections shall identify the effects  
19 of projected population growth and demographic patterns on  
20 at least the following elements:

21 (i) trends in unit costs for services, including  
22 inflation;

23 (ii) trends in use of services;

24 (iii) trends in medicaid recipient levels; and

25 (iv) the effects of new and projected facilities and

1 services for which a need has been identified in the state  
2 health plan prepared pursuant to 42 U.S.C. 300m-2(a)(2).

3 (2) ~~In-addition-to~~ As an integral part of the report,  
4 the department of social and rehabilitation services shall  
5 present a recommendation of funding levels for the medicaid  
6 program. The recommendation need not be consistent with the  
7 state health plan.

8 (3) In arriving at the projections and recommendation  
9 required in subsections (1) and (2), the department of  
10 social and rehabilitation services shall consult with the  
11 department of health and environmental sciences.

12 (4) In making its appropriations for medicaid funding,  
13 the legislature shall specify the portions of medicaid  
14 funding anticipated to be allocated to specific categories  
15 and types of health care services."

16 **Section 40.** Section 53-20-104, MCA, is amended to read:

17 "53-20-104. Powers and duties of mental disabilities  
18 board of visitors. (1) The board shall be an independent  
19 board of inquiry and review to assure that the treatment of  
20 all persons admitted to a residential facility is humane and  
21 decent and meets the requirements set forth in this part.

22 (2) The board shall review all plans for experimental  
23 research or hazardous treatment procedures involving persons  
24 admitted to any residential facility to assure that the  
25 research project is humane and not unduly hazardous and that

1 it complies with the principles of the statement on the use  
 2 of human subjects for research of the American association  
 3 on mental deficiency and with the principles for research  
 4 involving human subjects required by the United States  
 5 department of health, education, and welfare. No  
 6 experimental research project involving persons admitted to  
 7 any residential facility affected by this part may be  
 8 commenced unless it is approved by the mental disabilities  
 9 board of visitors.

10 (3) The board shall investigate all cases of alleged  
 11 mistreatment of a resident.

12 (4) The board shall at least annually inspect every  
 13 residential facility which is providing a course of  
 14 residential habilitation and treatment to any person  
 15 pursuant to this part. The board shall inspect the physical  
 16 plant, including residential, recreational, dining, and  
 17 sanitary facilities. It shall visit all wards and treatment  
 18 or habilitation areas. The board shall inquire concerning  
 19 all habilitation programs being implemented by the  
 20 institution.

21 (5) The board shall inspect the file of each person  
 22 admitted to a residential facility pursuant to this part to  
 23 insure that a habilitation plan exists and is being  
 24 implemented. The board shall inquire concerning all use of  
 25 restraints, isolation, or other extraordinary measures.

1 (6) The board may assist any resident at a residential  
 2 facility in resolving any grievance he may have concerning  
 3 his admission or his course of treatment and habilitation in  
 4 the facility.

5 (7) If the board believes that any facility is failing  
 6 to comply with the provisions of this part in regard to its  
 7 physical facilities or its treatment of any resident, it  
 8 shall report its findings at once to the professional person  
 9 in charge of the facility and the director of the department  
 10 of institutions. If appropriate, after waiting a reasonable  
 11 time for a response from such professional person, the board  
 12 may notify the parents or guardian of any resident involved,  
 13 the next of kin, if known, the responsible person appointed  
 14 by the court for any resident involved, and the district  
 15 court which has jurisdiction over the facility.

16 (8) The board shall report annually to the governor and  
 17 shall, as provided in [section 1], report to ~~each-session-of~~  
 18 the legislature concerning the status of the residential  
 19 facilities and habilitation programs which it has  
 20 inspected."

21 **Section 41.** Section 53-21-104, MCA, is amended to read:  
 22 "53-21-104. Powers and duties of mental disabilities  
 23 board of visitors. (1) The board shall be an independent  
 24 board of inquiry and review to assure that the treatment of  
 25 all persons either voluntarily or involuntarily admitted to

1 a mental facility is humane and decent and meets the  
2 requirements set forth in this part.

3 (2) The board shall review all plans for experimental  
4 research involving persons admitted to a mental health  
5 facility to assure that the research project is humane and  
6 not unduly hazardous and that it complies with the  
7 principles of the statement on the use of human subjects for  
8 research of the American association on mental deficiency  
9 and with the principles for research involving human  
10 subjects required by the United States department of health,  
11 education, and welfare. No experimental research project  
12 involving persons admitted to a mental health facility  
13 affected by this part may be commenced unless it is approved  
14 by the mental disabilities board of visitors.

15 (3) The board shall at least annually inspect every  
16 mental health facility which is providing treatment and  
17 evaluation to any person pursuant to this part. The board  
18 shall inspect the physical plant, including residential,  
19 recreational, dining, and sanitary facilities. It shall  
20 visit all wards and treatment areas. The board shall inquire  
21 concerning all treatment programs being implemented by the  
22 facility.

23 (4) The board shall annually insure that a treatment  
24 plan exists and is being implemented for each patient  
25 admitted or committed to a mental health facility under this

1 part. The board shall inquire concerning all use of  
2 restraints, isolation, or other extraordinary measures.

3 (5) The board may assist any patient at a mental health  
4 facility in resolving any grievance he may have concerning  
5 his commitment or his course of treatment in the facility.

6 (6) The board shall employ and be responsible for  
7 full-time legal counsel at the state hospital, whose  
8 responsibility shall be to act on behalf of all patients at  
9 the institution. The board shall insure that there is  
10 sufficient legal staff and facilities to insure availability  
11 to all patients and shall require that the appointed counsel  
12 periodically interview every patient and examine his files  
13 and records. The board may employ additional legal counsel  
14 for representation of patients in a similar manner at any  
15 other mental health facility having inpatient capability.

16 (7) If the board believes that any facility is failing  
17 to comply with the provisions of this part in regard to its  
18 physical facilities or its treatment of any patient, it  
19 shall report its findings at once to the professional person  
20 in charge of the facility and the director of the  
21 department, and if appropriate, after waiting a reasonable  
22 time for a response from such professional person, the board  
23 may notify the next of kin or guardian of any patient  
24 involved, the friend of respondent appointed by the court  
25 for any patient involved, and the district court which has

1 jurisdiction over the facility.

2 (8) The board shall report annually to the governor and  
3 shall, as provided in [section 1], report to ~~each-session-of~~  
4 the legislature concerning the status of the mental health  
5 facilities and treatment programs which it has inspected."

6 **Section 42.** Section 53-24-204, MCA, is amended to read:

7 "53-24-204. Powers and duties of department. (1) To  
8 carry out this chapter, the department may:

9 (a) accept gifts, grants, and donations of money and  
10 property from public and private sources;

11 (b) enter into contracts;

12 (c) acquire and dispose of property.

13 (2) The department shall:

14 (a) approve treatment facilities as provided for in  
15 53-24-208;

16 (b) prepare a comprehensive long-term state chemical  
17 dependency plan every 4 years and update this plan each  
18 biennium. These updates or any part thereof may be included  
19 in the department's report to the legislature required in  
20 53-24-210;

21 (c) provide for and conduct statewide service system  
22 evaluations;

23 (d) distribute state and federal funds to the counties  
24 for approved treatment programs in accordance with the  
25 provisions of 53-24-206;

1 (e) plan in conjunction with approved programs and  
2 provide for training of program personnel delivering  
3 services to chemically dependent persons;

4 (f) establish criteria to be used for the development  
5 of new programs;

6 (g) certify and establish standards for the  
7 certification of:

8 (i) chemical dependency counselors; and

9 (ii) instructors providing chemical dependency  
10 educational courses;

11 (h) encourage planning for the greatest utilization of  
12 funds by discouraging duplication of services, encouraging  
13 efficiency of services through existing programs, and  
14 encouraging rural counties to form multicounty districts or  
15 contract with urban programs for services;

16 (i) cooperate with the board of pardons in establishing  
17 and conducting programs to provide treatment for chemically  
18 dependent and intoxicated persons in or on parole from penal  
19 institutions; and

20 (j) establish standards for chemical dependency  
21 educational courses provided by state-approved treatment  
22 programs and approve or disapprove the courses."

23 **Section 43.** Section 53-24-210, MCA, is amended to read:

24 "53-24-210. Departmental reports to legislature. The  
25 department shall, as provided in [section 1], report to ~~each~~

1 ~~legislative--session~~ the legislature on the status of the  
2 implemented chapter. This report or any part thereof may be  
3 included as the department's state plan for alcohol abuse  
4 and chemical dependency."

5 **Section 44.** Section 53-30-133, MCA, is amended to read:

6 "53-30-133. **Administration of prison industries**  
7 **training program.** (1) (a) The prison industries training  
8 program need not be a self-supporting program. The  
9 department of institutions may enter into contracts and  
10 establish prices for products or services produced by this  
11 program. Within budgetary restrictions, the department shall  
12 establish prices that tend to maximize the amount of work  
13 available for inmates. All revenue raised through the  
14 program may be used only for the program.

15 (b) State agencies, local governments, school  
16 districts, authorities, and other local government entities  
17 are encouraged to explore the possibilities of using the  
18 prison industries training program. State agencies shall  
19 cooperate with the department of institutions in notifying  
20 governmental entities within the state of the program and of  
21 the services and products that are available.

22 (2) (a) The department of institutions shall adopt  
23 rules implementing this program and shall, as provided in  
24 [section 1], report to the legislature its continuing plans  
25 and recommendations in implementing this program. Any price

1 lists established by the department are exempt from the  
2 provisions of Title 2, chapter 4 (the Montana Administrative  
3 Procedure Act), but the department may, if it considers it  
4 an effective method of dissemination, publish such price  
5 lists in the Montana Administrative Register or the  
6 Administrative Rules of Montana, or both.

7 (b) The department of institutions is subject to  
8 program audits of the prison industries training program by  
9 the legislative auditor."

10 **Section 45.** Section 69-1-404, MCA, is amended to read:

11 "69-1-404. **Annual review by legislative finance**  
12 **committee.** (1) The legislative finance committee shall  
13 annually review the department's budget and the calculations  
14 made by the department of revenue in the determination of  
15 the fee pursuant to 69-1-403.

16 (2) The legislative finance committee shall, as  
17 provided in [section 1], report the results of its review to  
18 ~~each-regular-session-of~~ the legislature and shall include in  
19 its report any recommendations concerning the manner of  
20 funding the department."

21 **Section 46.** Section 72-16-202, MCA, is amended to read:

22 "72-16-202. **Report to governor and legislature.** The  
23 department of revenue shall biennially report to the  
24 governor and, as provided in [section 1], to the legislature  
25 ~~at--the--opening--of--the--sessions~~ the general result of its

1 labors and investigations in inheritance tax matters during  
 2 the previous biennial period, together with specific reports  
 3 of the several counties where the administration of the  
 4 inheritance tax laws has been lax and unsatisfactory, with  
 5 such recommendations for action ~~thereon~~ by the legislature  
 6 as ~~may-be-deemed~~ the department considers advisable and  
 7 proper."

8 **Section 47.** Section 75-1-203, MCA, is amended to read:

9 "75-1-203. Fee schedule -- maximums. (1) In prescribing  
 10 fees to be assessed against applicants for a lease, permit,  
 11 contract, license, or certificate as specified in 75-1-202,  
 12 an agency may adopt a fee schedule which may be adjusted  
 13 depending upon the size and complexity of the proposed  
 14 project. No fee may be assessed unless the application for a  
 15 lease, permit, contract, license, or certificate will result  
 16 in the agency incurring expenses in excess of \$2,500 to  
 17 compile an environmental impact statement.

18 (2) The maximum fee that may be imposed by an agency  
 19 shall not exceed 2% of any estimated cost up to \$1 million,  
 20 plus 1% of any estimated cost over \$1 million and up to \$20  
 21 million, plus 1/2 of 1% of any estimated cost over \$20  
 22 million and up to \$100 million, plus 1/4 of 1% of any  
 23 estimated cost over \$100 million and up to \$300 million,  
 24 plus 1/8 of 1% of any estimated cost in excess of \$300  
 25 million.

1 (3) If an application consists of two or more  
 2 facilities, the filing fee shall be based on the total  
 3 estimated cost of the combined facilities. The estimated  
 4 cost shall be determined by the agency and the applicant at  
 5 the time the application is filed.

6 (4) Each agency shall review and revise its rules  
 7 imposing fees as authorized by this part at least every 2  
 8 years. Furthermore, each agency shall, pursuant to [section  
 9 1], provide the legislature with a complete report on the  
 10 fees collected prior to the time that a request for an  
 11 appropriation is made to the legislature."

12 **Section 48.** Section 75-1-1101, MCA, is amended to read:

13 "75-1-1101. Environmental contingency account  
 14 objectives. (1) There is created an environmental  
 15 contingency account within the state special revenue fund  
 16 established in 17-2-102. The environmental contingency  
 17 account is controlled by the governor.

18 (2) At the beginning of each biennium, \$175,000 must be  
 19 allocated to the environmental contingency account from the  
 20 interest income of the resource indemnity trust fund with  
 21 the following exceptions:

22 (a) if at the beginning of any biennium the unobligated  
 23 cash balance in the environmental contingency account equals  
 24 or exceeds \$750,000, no allocation will be made; and

25 (b) if at the beginning of any biennium the unobligated

1 cash balance in the environmental contingency account is  
 2 less than \$750,000, then an amount less than or equal to the  
 3 difference between the unobligated cash balance and  
 4 \$750,000, but not to exceed \$175,000, must be allocated to  
 5 the environmental contingency account from the interest  
 6 income of the resource indemnity trust fund.

7 (3) Funds are statutorily appropriated, as provided in  
 8 17-7-502, from the environmental contingency account upon  
 9 the authorization of the governor to meet unanticipated  
 10 public needs consistent with the following objectives:

11 (a) to support water development projects in  
 12 communities that face an emergency or imminent need for such  
 13 services or to prevent the physical failure of a water  
 14 project;

15 (b) to preserve vegetation, water, soil, fish,  
 16 wildlife, or other renewable resources from an imminent  
 17 physical threat or during an emergency, not including:

18 (i) natural disasters adequately covered by other  
 19 funding sources; or

20 (ii) fire;

21 (c) to respond to an emergency or imminent threat to  
 22 persons, property, or the environment caused by mineral  
 23 development; and

24 (d) to fund the environmental quality protection fund  
 25 provided for in 75-10-704 or to take other necessary

1 actions, including the construction of facilities, to  
 2 respond to actual or potential threats to persons, property,  
 3 or the environment caused by hazardous wastes or other  
 4 hazardous materials.

5 (4) Interest from funds in the environmental  
 6 contingency account accrues to the resource indemnity trust  
 7 interest account.

8 (5) The governor shall, as provided in [section 1],  
 9 submit to the legislature ~~at the beginning of each regular~~  
 10 ~~session~~ a complete financial report on the environmental  
 11 contingency account, including a description of all  
 12 expenditures made since the preceding report."

13 **Section 49.** Section 75-7-304, MCA, is amended to read:

14 **"75-7-304. Duties of the commission.** Duties of the  
 15 commission are:

16 (1) to monitor the existing condition of natural  
 17 resources in the basin and coordinate development of an  
 18 annual monitoring plan. This plan must involve a cooperative  
 19 strategy among all land and water management agencies within  
 20 the Flathead basin and identify proposed and needed  
 21 monitoring which emphasizes but is not limited to the  
 22 aquatic resources of the Flathead basin.

23 (2) to encourage close cooperation and coordination  
 24 between federal, state, provincial, tribal, and local  
 25 resource managers for establishment of compatible resource



1 development standards, comprehensive monitoring, and data  
2 collection and interpretation;

3 (3) to encourage and work for international cooperation  
4 and coordination between the state of Montana and the  
5 Province of British Columbia concerning the undertaking of  
6 natural resource monitoring and use of consistent standards  
7 for management of resource development activities throughout  
8 the North Fork Flathead River drainage portion of the  
9 Flathead basin;

10 (4) to encourage economic development and use of the  
11 basin's resources to their fullest extent without  
12 compromising the present high quality of the Flathead  
13 basin's aquatic environment;

14 (5) to, in the discretion of the commission, undertake  
15 investigations of resource utilization and hold public  
16 hearings concerning the condition of Flathead Lake and  
17 Flathead basin;

18 (6) to submit ~~a biennial report~~ to the governor and, as  
19 provided in [section 1], to the appropriate committees of  
20 the legislature a biennial report that includes:

21 (a) a summary of information gathered in fulfillment of  
22 its duties under this section;

23 (b) information on monitoring activities within the  
24 Flathead basin concerning the condition of the basin's  
25 natural resources, with particular emphasis on Flathead

1 Lake;

2 (c) the identification of land use and land development  
3 trends in the Flathead basin;

4 (d) any recommendations the commission considers  
5 appropriate for fulfillment of its duties and for continued  
6 preservation of the Flathead basin in the present high  
7 quality of its aquatic resources; and

8 (e) an accounting of all money received and expended,  
9 by source and purpose, for the period since the last report;  
10 and

11 (7) to meet at least semiannually within the Flathead  
12 basin, alternating the meeting site between the cities of  
13 Kalispell and Polson."

14 **Section 50.** Section 75-10-533, MCA, is amended to read:

15 "75-10-533. Department to report fees to legislature.  
16 The department shall, as provided in [section 1], report to  
17 each legislature the amount collected under this part and  
18 61-3-508 and the cost of administration of this part, except  
19 75-10-520, to date so that any necessary adjustment of the  
20 amount of the fee may be made to assure that no more than  
21 the actual cost of operation of the program is collected."

22 **Section 51.** Section 75-10-704, MCA, is amended to read:

23 "75-10-704. Environmental quality protection fund. (1)  
24 There is created in the state special revenue fund an  
25 environmental quality protection fund to be administered as

1 a revolving fund by the department. The department is  
2 authorized to expend amounts from the fund necessary to  
3 carry out the purposes of this part.

4 (2) The fund may be used by the department only to  
5 carry out the provisions of this part and for remedial  
6 actions taken by the department pursuant to this part in  
7 response to a release of hazardous or deleterious  
8 substances.

9 (3) The department shall:

10 (a) establish and implement a system for prioritizing  
11 sites for remedial action based on potential effects on  
12 human health and the environment; and

13 (b) investigate, negotiate, and take legal action, as  
14 appropriate, to identify responsible parties, to obtain the  
15 participation and financial contribution of responsible  
16 parties for the remedial action, to achieve remedial action,  
17 and to recover costs and damages incurred by the state.

18 (4) There must be deposited in the fund:

19 (a) all penalties, natural resource damages, and  
20 remedial action costs recovered pursuant to 75-10-715;

21 (b) all administrative penalties assessed pursuant to  
22 75-10-714 and all civil penalties assessed pursuant to  
23 75-10-711(5);

24 (c) funds appropriated to the fund by the legislature;  
25 and

1 (d) funds received from the interest income of the  
2 resource indemnity trust fund pursuant to 15-38-202.

3 (5) Whenever a legislative appropriation is  
4 insufficient to carry out the provisions of this part and  
5 additional money remains in the fund, the department shall  
6 seek additional authority to spend money from the fund  
7 through the budget amendment process provided for in Title  
8 17, chapter 7, part 4.

9 (6) Whenever the amount of money in the fund is  
10 insufficient to carry out remedial action, the department  
11 may apply to the governor for a grant from the environmental  
12 contingency account established pursuant to 75-1-1101.

13 (7) The department shall, as provided in [section 1],  
14 submit to the legislature ~~at the beginning of each regular~~  
15 ~~session~~ a complete financial report on the fund, including a  
16 description of all expenditures made since the preceding  
17 report."

18 **Section 52.** Section 76-11-203, MCA, is amended to read:

19 "76-11-203. Direction to state agencies. (1) The  
20 department of natural resources and conservation shall  
21 develop a plan for completing the soil survey and mapping  
22 program in cooperation with and according to the standards  
23 set forth by the national cooperative soil survey program  
24 and the Montana state agricultural experiment station.

25 (2) The soil survey plan shall identify all projected

1 local participation, all funds available from state and  
 2 federal agencies, including planning grants, and any and all  
 3 additional equipment, personnel, facilities, supplies, maps  
 4 and such other material necessary to complete the soil  
 5 survey and mapping program.

6 (3) The soil survey plan shall determine geographic  
 7 areas without modern soil survey information and shall  
 8 establish in cooperation with the national cooperative soil  
 9 survey program priorities for completing soil surveys based  
 10 upon the needs of the geographic areas.

11 (4) The department of natural resources and  
 12 conservation shall oversee the plan for completing the soil  
 13 survey and mapping program and shall report annually on its  
 14 progress to the governor ~~and--legislature~~ not later than  
 15 January 1 of each year, ~~beginning in 1981~~ and, as provided  
 16 in [section 1], to the legislature."

17 **Section 53.** Section 76-12-109, MCA, is amended to read:

18 "76-12-109. Report to legislature. The board shall, as  
 19 provided in [section 1], submit to each legislature ~~an~~  
 20 ~~annual~~ a report on its designation and acquisition  
 21 activities."

22 **Section 54.** Section 80-7-713, MCA, is amended to read:

23 "80-7-713. Reports. The department may prepare a  
 24 biennial report on the status of noxious plants and their  
 25 management in Montana. Reports may be submitted to the

1 governor ~~and,~~ to the legislature as provided in [section 1],  
 2 and to other such groups and organizations as the department  
 3 considers necessary."

4 **Section 55.** Section 80-12-402, MCA, is amended to read:

5 "80-12-402. Report. The department shall transmit to  
 6 the governor at least 30 days before each regular  
 7 legislative session and, as provided in [section 1], to each  
 8 ~~member--of~~ the legislature ~~at--least--30-days-before-each~~  
 9 ~~regular-legislative-session~~ a report:

10 (1) detailing the operations of the agricultural loan  
 11 authority program since the adjournment of the last  
 12 legislature; and

13 (2) containing a financial statement showing the  
 14 program's assets and liabilities."

15 **Section 56.** Section 82-11-161, MCA, is amended to read:

16 "82-11-161. Oil and gas production damage mitigation  
 17 account -- statutory appropriation. (1) There is an oil and  
 18 gas production damage mitigation account within the state  
 19 special revenue fund established in 17-2-102. The oil and  
 20 gas production damage mitigation account is controlled by  
 21 the board.

22 (2) On July 1, 1991, and at the beginning of each  
 23 succeeding biennium, there must be allocated to the oil and  
 24 gas production damage mitigation account \$50,000 from the  
 25 interest income of the resource indemnity trust fund, except

1 if at the beginning of a biennium the unobligated cash  
2 balance in the oil and gas production damage mitigation  
3 account:

4 (a) equals or exceeds \$200,000, no allocation will be  
5 made; or

6 (b) is less than \$200,000, then an amount less than or  
7 equal to the difference between the unobligated cash balance  
8 and \$200,000, but not more than \$50,000, must be allocated  
9 to the oil and gas production damage mitigation account from  
10 the interest income of the resource indemnity trust fund.

11 (3) In addition to the allocation provided in  
12 subsection (2), there must be deposited in the oil and gas  
13 production damage mitigation account:

14 (a) all funds received by the board pursuant to  
15 82-11-136; and

16 (b) all fees received by the board from owners of  
17 producing wells pursuant to 82-11-162.

18 (4) If a sufficient balance exists in the account,  
19 funds are statutorily appropriated, as provided in 17-7-502,  
20 from the oil and gas production damage mitigation account,  
21 upon the authorization of the board, to pay the reasonable  
22 costs of properly plugging a well if the board determines  
23 that the well, sump, or hole has been abandoned and the  
24 responsible person cannot be identified or located or the  
25 responsible person does not have sufficient funds to pay the

1 costs. The responsible person shall, however, pay costs to  
2 the extent of his available resources and is subsequently  
3 liable to fully reimburse the account or is subject to a  
4 lien on property as provided in 82-11-164 for costs expended  
5 from the account to properly plug the well and to mitigate  
6 any damage caused by the well.

7 (5) Interest from funds in the oil and gas production  
8 damage mitigation account accrues to that account.

9 (6) The board shall, as provided in [section 1], submit  
10 to the legislature ~~at the beginning of each regular session~~  
11 a complete financial report on the oil and gas production  
12 damage mitigation account, including a description of all  
13 expenditures made since the preceding report."

14 **Section 57.** Section 85-1-407, MCA, is amended to read:

15 "85-1-407. Writeoff accounts receivable. Upon  
16 abandonment or disposition of the project, the department  
17 shall cancel and write off accounts receivable carried on  
18 the books of the department. The department shall establish  
19 procedures for canceling and writing off accounts  
20 receivable, ~~and the~~. The procedures shall must include the  
21 reporting, as provided in [section 1], of the canceling and  
22 writing off of the accounts receivable to the next session  
23 of the legislature."

24 **Section 58.** Section 85-1-621, MCA, is amended to read:

25 "85-1-621. Report to the legislature. The department

1 shall prepare a biennial report to the legislature  
 2 describing the status of the water development program. The  
 3 report must describe ongoing projects and activities and  
 4 those which have been completed during the biennium. The  
 5 report must identify and rank in order of priority the  
 6 projects for which the department desires to seek  
 7 congressional authorization and funding and the efforts the  
 8 department will undertake in attempting to secure such  
 9 authorization and funding. The report must also describe  
 10 proposed projects and activities for the coming biennium and  
 11 recommendations for necessary appropriations. A copy of the  
 12 report shall be submitted to the president of the senate and  
 13 the speaker of the house, to the members of the water policy  
 14 committee established in 85-2-105, and, as provided in  
 15 [section 1], to ~~such-other-members-of~~ the legislature ~~as-may~~  
 16 ~~request-a-copy."~~

17 **Section 59.** Section 85-2-105, MCA, is amended to read:

18 "85-2-105. Water policy committee. (1) There is a  
 19 permanent water policy committee of the legislature. The  
 20 committee consists of eight members. The senate committee on  
 21 committees and the speaker of the house of representatives  
 22 shall each appoint four members on a bipartisan basis. The  
 23 committee shall elect its chairman and vice-chairman. The  
 24 committee shall meet as often as necessary, including during  
 25 the interim between sessions, to perform the duties

1 specified within this section.

2 (2) On a continuing basis, the committee shall:

3 (a) advise the legislature on the adequacy of the  
 4 state's water policy and of important state, regional,  
 5 national, and international developments which affect  
 6 Montana's water resources;

7 (b) oversee the policies and activities of the  
 8 department of natural resources and conservation, other  
 9 state executive agencies, and other state institutions, as  
 10 they affect the water resources of the state; and

11 (c) communicate with the public on matters of water  
 12 policy as well as the water resources of the state.

13 (3) On a regular basis, the committee shall:

14 (a) analyze and comment on the state water plan  
 15 required by 85-1-203, when filed by the department;

16 (b) analyze and comment on the report of the status of  
 17 the state's water development program required by 85-1-621,  
 18 when filed by the department;

19 (c) analyze and comment on water-related research  
 20 undertaken by any state agency, institution, college, or  
 21 university;

22 (d) analyze, verify, and comment on the adequacy of and  
 23 information contained in the water resources data management  
 24 system maintained by the department under 85-2-112; and

25 (e) report to the legislature, ~~not-less-than-once-every~~

1 biennium as provided in [section 1].

2 (4) The environmental quality council shall provide  
3 staff assistance to the committee. The committee may  
4 contract with experts and consultants, in addition to  
5 receiving assistance from the environmental quality council,  
6 in carrying out its duties under this section."

7 **Section 60.** Section 87-2-724, MCA, is amended to read:

8 "87-2-724. Auction of Shiras moose license. (1) The  
9 commission may issue one male Shiras moose license each year  
10 through a competitive auction. The commission shall  
11 promulgate rules for the use of the license and conduct of  
12 the auction. A wildlife conservation organization involved  
13 in the conservation of moose may be authorized by the  
14 commission to conduct the license auction, in which case the  
15 authorized organization may retain up to 10% of the proceeds  
16 of the sale to cover reasonable auction expenses.

17 (2) All proceeds remaining from the auction, whether  
18 conducted by the commission or as otherwise authorized by  
19 the commission, must be used by the department for the  
20 substantial benefit of moose. The proceeds from the auction  
21 must be used in addition to any other funds the department  
22 uses for the management of moose. The department shall, as  
23 provided in [section 1], report to each legislature  
24 concerning the use or investment of auction proceeds."

25 **Section 61.** Section 87-5-123, MCA, is amended to read:

1 "87-5-123. Report. The department shall, as provided in  
2 [section 1], report to each legislature the results of any  
3 program using money from the nongame wildlife account and  
4 shall list in detail how the money collected was used."

5 **Section 62.** Section 90-3-203, MCA, is amended to read:

6 "90-3-203. Powers and duties of board. The board shall:  
7 (1) make loans in science and technology development  
8 projects pursuant to the provisions of this act in the  
9 following areas that have potential to stimulate economic  
10 development in Montana:

- 11 (a) research capability development;  
12 (b) applied technology research;  
13 (c) technology transfer and assistance; and  
14 (d) startup capital or expansion capital projects for  
15 development and commercialization of innovative products and  
16 processes;

17 (2) accept grants or receive devises of money or  
18 property to be used in Montana for loans made pursuant to  
19 this chapter; and

20 (3) submit to the governor by January 1 of each  
21 odd-numbered year or at his request and, as provided in  
22 [section 1], to the legislature a report describing the  
23 board's programs and accomplishments ~~by January 1 of each~~  
24 ~~odd-numbered year or at the request of the governor."~~

25 **Section 63.** Section 90-4-111, MCA, is amended to read:

1       "90-4-111. Biennial report. The department shall  
2 monitor the grants awarded under 90-4-106 and 90-4-109 and  
3 shall, as provided in [section 1], report its expenditures  
4 and other information concerning the implementation and  
5 effectiveness of specific projects or programs for which  
6 grants were awarded under this part to the legislature at  
7 ~~the beginning of each regular legislative session.~~"

8       NEW SECTION.   **Section 64.** Codification instruction.

9 [Section 1] is intended to be codified as an integral part  
10 of Title 5, chapter 11, and the provisions of Title 5,  
11 chapter 11, apply to [section 1].

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

1 *HOUSE* BILL NO. *231*  
2 INTRODUCED BY *Lobb - Insist Alaska Migration*  
3 *Thomas J. Brown*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROCESS  
5 FOR DELIVERING REPORTS TO THE LEGISLATURE; AND AMENDING  
6 SECTIONS 1-11-204, 2-4-411, 2-7-104, 2-8-112, 2-8-203,  
7 2-8-207, 2-8-208, 2-15-2021, 2-18-209, 2-18-811, 2-18-1103,  
8 3-1-702, 3-1-1126, 5-5-216, 5-13-304, 5-17-103, 5-18-203,  
9 5-19-108, 10-4-102, 15-1-205, 17-4-107, 17-5-1650, 18-7-303,  
10 19-4-201, 20-9-346, 20-25-236, 20-25-301, 22-3-107,  
11 23-5-1008, 33-22-1513, 37-1-106, 39-6-101, 39-51-407,  
12 44-2-304, 44-13-103, 46-23-316, 53-2-1107, 53-6-110,  
13 53-20-104, 53-21-104, 53-24-204, 53-24-210, 53-30-133,  
14 69-1-404, 72-16-202, 75-1-203, 75-1-1101, 75-7-304,  
15 75-10-533, 75-10-704, 76-11-203, 76-12-109, 80-7-713,  
16 80-12-402, 82-11-161, 85-1-407, 85-1-621, 85-2-105,  
17 87-2-724, 87-5-123, 90-3-203, AND 90-4-111, MCA."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 NEW SECTION. **Section 1.** Clearinghouse for reports to  
21 legislature. (1) For the purposes of this section, "report"  
22 means a document required to be prepared for the legislature  
23 as required in any of the sections listed in subsection (8).  
24 (2) On or before September 1 of each year preceding the  
25 convening of a regular session of the legislature, an entity

There are no changes in this bill,  
and will not be reprinted. Please  
refer to introduced (white) copy  
for complete text.





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HOUSE BILL NO. 231

INTRODUCED BY Webb - Inail Alaska Memorial  
Thomas J. Brown

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROCESS FOR DELIVERING REPORTS TO THE LEGISLATURE; AND AMENDING SECTIONS 1-11-204, 2-4-411, 2-7-104, 2-8-112, 2-8-203, 2-8-207, 2-8-208, 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126, 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102, 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346, 20-25-236, 20-25-301, 22-3-107, 23-5-1008, 33-22-1513, 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103, 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104, 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202, 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704, 76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161, 85-1-407, 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203, AND 90-4-111, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
NEW SECTION. Section 1. Clearinghouse for reports to legislature. (1) For the purposes of this section, "report" means a document required to be prepared for the legislature as required in any of the sections listed in subsection (8).  
(2) On or before September 1 of each year preceding the convening of a regular session of the legislature, an entity

There are no changes in this bill, and will not be reprinted. Please refer to white (Introduced) or yellow (Second Reading) for complete text.



SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
February 12, 1991

Page 2 of 2  
February 12, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 231 (third reading copy -- blue), respectfully report that House Bill No. 231 be amended and as so amended be concurred in:

1. Title, line 17.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 22.

Following: "means"

Insert: ":

(a)"

3. Page 1, line 23.

Following: "(8)"

Insert: "; and

(b) unless otherwise provided by law, any other report required by law to be given to or filed with the legislature"

4. Page 2, line 16.

Following: "report,"

Insert: "including the number of legislators requesting copies of the report pursuant to subsection (7),"

5. Page 3.

Following: line 11

Insert: "(7) The executive director shall, as soon as possible following a general election, mail to each holdover senator, senator-elect and representative-elect a list of the titles of the reports, along with the abstracts prepared pursuant to subsection (2)(b), available from the legislative council. The list must include a form on which each member or member-elect receiving the list may indicate the report or reports that the member or member-elect would like to receive."

(8) The executive director or the legislative council shall make copies of reports requested pursuant to subsection (7) available to those members or members-elect by either requiring that copies be mailed pursuant to subsection (3) or by delivering copies of the reports during the first week of the legislative session."

Renumber: subsequent subsections

6. Page 73.

Following: LINE 11

Insert: "NEW SECTION. Section 65. (standard) Effective date. [ This act] is effective upon passage and approval.

Signed: Eleanor Vaughn

Eleanor Vaughn, Chairman

*ML* 2-12-91  
Add. Coord.

SB 2-12 2:10  
Sec. of Senate

321144SC.Sji

SENATE

HB 231

321144SC.Sji

## 1 HOUSE BILL NO. 231

2 INTRODUCED BY COBB, DRISCOLL, DARKO, MENAHAN,

3 THOMAS, J. BROWN

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROCESS  
6 FOR DELIVERING REPORTS TO THE LEGISLATURE; AND AMENDING  
7 SECTIONS 1-11-204, 2-4-411, 2-7-104, 2-8-112, 2-8-203,  
8 2-8-207, 2-8-208, 2-15-2021, 2-18-209, 2-18-811, 2-18-1103,  
9 3-1-702, 3-1-1126, 5-5-216, 5-13-304, 5-17-103, 5-18-203,  
10 5-19-108, 10-4-102, 15-1-205, 17-4-107, 17-5-1650, 18-7-303,  
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16 75-10-533, 75-10-704, 76-11-203, 76-12-109, 80-7-713,  
17 80-12-402, 82-11-161, 85-1-407, 85-1-621, 85-2-105,  
18 87-2-724, 87-5-123, 90-3-203, AND 90-4-111, MCA; AND  
19 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 NEW SECTION. **Section 1.** Clearinghouse for reports to  
23 legislature. (1) For the purposes of this section, "report"  
24 means:

25 (A) a document required to be prepared for the

1 legislature as required in any of the sections listed in  
2 subsection ~~(8)~~ (10); AND

3 (B) UNLESS OTHERWISE PROVIDED BY LAW, ANY OTHER REPORT  
4 REQUIRED BY LAW TO BE GIVEN TO OR FILED WITH THE  
5 LEGISLATURE.

6 (2) On or before September 1 of each year preceding the  
7 convening of a regular session of the legislature, an entity  
8 required to report to the legislature shall provide, in  
9 writing, to the executive director of the legislative  
10 council:

11 (a) the final title of the report;

12 (b) an abstract or description of the contents of the  
13 report, not to exceed one page;

14 (c) a recommendation on how many copies of the report  
15 should be provided to the legislature;

16 (d) the reasons why the number of copies recommended  
17 is, in the opinion of the reporting entity, the appropriate  
18 number of copies;

19 (e) an estimated cost for each copy of the report; and

20 (f) the date on which the entity will deliver the  
21 final, published copies of the report to the legislature.

22 (3) After considering all of the information available  
23 about the report, INCLUDING THE NUMBER OF LEGISLATORS  
24 REQUESTING COPIES OF THE REPORT PURSUANT TO SUBSECTION (7),  
25 the legislative council or the executive director shall, in

REFERENCE BILL

HB 231

AS AMENDED

1 writing, direct the reporting entity to provide a specific  
 2 number of copies. The number of copies required is at the  
 3 sole discretion of the legislative council. The legislative  
 4 council or the executive director may require the reporting  
 5 entity to mail the copies of the report.

6 (4) The legislative council may require that the report  
 7 be submitted in an electronic format useable on the  
 8 legislature's current computer hardware, in a microform,  
 9 such as microfilm or microfiche, or in a CD-ROM format,  
 10 meaning compact disc read-only memory.

11 (5) Costs of preparing and distributing a report to the  
 12 legislature, including writing, printing, postage,  
 13 distribution, and all other costs accrue to the reporting  
 14 agency. Costs incurred in meeting the requirements of this  
 15 section may not accrue to the legislative council.

16 (6) The executive director of the legislative council  
 17 shall cause to be prepared a list of all reports required to  
 18 be presented to the legislature from the list of titles  
 19 received under subsection (2).

20 (7) THE EXECUTIVE DIRECTOR SHALL, AS SOON AS POSSIBLE  
 21 FOLLOWING A GENERAL ELECTION, MAIL TO EACH HOLDOVER SENATOR,  
 22 SENATOR-ELECT, AND REPRESENTATIVE-ELECT A LIST OF THE TITLES  
 23 OF THE REPORTS, ALONG WITH THE ABSTRACTS PREPARED PURSUANT  
 24 TO SUBSECTION (2)(B), AVAILABLE FROM THE LEGISLATIVE  
 25 COUNCIL. THE LIST MUST INCLUDE A FORM ON WHICH EACH MEMBER

1 OR MEMBER-ELECT RECEIVING THE LIST MAY INDICATE THE REPORT  
 2 OR REPORTS THAT THE MEMBER OR MEMBER-ELECT WOULD LIKE TO  
 3 RECEIVE.

4 (8) THE EXECUTIVE DIRECTOR OR THE LEGISLATIVE COUNCIL  
 5 SHALL MAKE COPIES OF REPORTS REQUESTED PURSUANT TO  
 6 SUBSECTION (7) AVAILABLE TO THOSE MEMBERS OR MEMBERS-ELECT  
 7 BY EITHER REQUIRING THAT COPIES BE MAILED PURSUANT TO  
 8 SUBSECTION (3) OR BY DELIVERING COPIES OF THE REPORTS DURING  
 9 THE FIRST WEEK OF THE LEGISLATIVE SESSION.

10 ~~(7)~~(9) The executive director of the legislative  
 11 council may keep as many copies of a report as he considers  
 12 necessary, and copies of the report may be discarded at his  
 13 discretion.

14 ~~(8)~~(10) (a) A report to the legislature includes a  
 15 report required to be made by a board, bureau, commission,  
 16 committee, council, department, division, fund, authority,  
 17 or officer of the state or a local government in 1-11-204,  
 18 2-4-411, 2-7-104, 2-8-112, 2-8-203, 2-8-207, 2-8-208,  
 19 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126,  
 20 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102,  
 21 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346,  
 22 20-25-236, 20-25-301, 22-3-107, 23-5-1008, 33-22-1513,  
 23 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103,  
 24 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104,  
 25 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202,

1 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704,  
 2 76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161,  
 3 85-1-407, 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203,  
 4 or 90-4-111.

5 (b) The procedure outlined in this section may also be  
 6 used for a report required to be made to the legislature  
 7 under the Multistate Tax Compact contained in 15-1-601, the  
 8 Vehicle Equipment Safety Compact contained in 61-2-201, the  
 9 Multistate Highway Transportation Agreement contained in  
 10 61-10-1101, or the Western Interstate Nuclear Compact  
 11 contained in 90-5-201.

12 **Section 2.** Section 1-11-204, MCA, is amended to read:

13 **"1-11-204. Duties of code commissioner.** (1) Prior to  
 14 January 1, 1979, the code commissioner shall recodify all  
 15 the laws of a general and permanent nature appearing in the  
 16 codes and session laws and prepare them for publication.

17 (2) Prior to January 1, 1979, the commissioner shall  
 18 prepare and submit to the legislature a report which is  
 19 certified by the commissioner as the "Official Report of the  
 20 Montana Code Commissioner", together with a bill enacting  
 21 the Montana Code Annotated. A copy of the report and bill  
 22 shall be deposited with the secretary of state. The report  
 23 shall explain and indicate, in tabular or other form, all  
 24 changes made during recodification, other than punctuation  
 25 and capitalization, to clearly indicate the character of

1 each change.

2 (3) Prior to the November 1 immediately preceding each  
 3 regular legislative session, the commissioner shall prepare  
 4 and, as provided in [section 1], submit to the legislative  
 5 council a report, in tabular or other form, indicating the  
 6 commissioner's recommendations for legislation which will:

- 7 (a) eliminate archaic or outdated laws;
- 8 (b) eliminate obsolete or redundant wording of laws;
- 9 (c) eliminate any duplications in law and any laws  
 10 repealed directly or by implication;
- 11 (d) clarify existing laws;
- 12 (e) correct errors and inconsistencies within the laws.
- 13 (4) The commissioner shall cause to be prepared for  
 14 publication with the Montana Code Annotated the following  
 15 material:
  - 16 (a) Statutory history of each code section;
  - 17 (b) Annotations of state and federal court decisions  
 18 relating to the subject matter of the code;
  - 19 (c) Such editorial notes, cross-references, and other  
 20 matter as the commissioner considers desirable or  
 21 advantageous;
  - 22 (d) The Declaration of Independence;
  - 23 (e) The Constitution of the United States of America  
 24 and amendments thereto;
  - 25 (f) Acts of congress relating to the authentication of

1 laws and records;

2 (g) The Organic Act of the Territory of Montana;

3 (h) The Enabling Act;

4 (i) The 1972 Constitution of the State of Montana and  
5 any amendments thereto;

6 (j) The Ordinances relating to federal relations and  
7 elections;

8 (k) Rules of civil, criminal, and appellate procedure  
9 and such other rules of procedure as the Montana supreme  
10 court may adopt; and

11 (l) A complete subject index, a popular name index, and  
12 comparative disposition tables or cross-reference indexes  
13 relating sections of the Montana Code Annotated to prior  
14 compilations and session laws.

15 (5) After publication of the Montana Code Annotated,  
16 the code commissioner shall:

17 (a) annotate, arrange, and prepare for publication all  
18 laws of a general and permanent nature enacted at each  
19 legislative session and assign catchlines and code section  
20 numbers to each new section;

21 (b) continue to codify, index, arrange, rearrange, and  
22 generally update the Montana Code Annotated to maintain an  
23 orderly and logical arrangement of the laws in order to  
24 avoid future need for bulk revision;

25 (c) prepare and publish a report entitled "Official

1 Report of the Montana Code Commissioner--(year)" which  
2 indicates, in tabular or other form, all changes made during  
3 the continuous recodification, other than punctuation,  
4 spelling, and capitalization, to clearly indicate the  
5 character of each change made since the last such report.

6 (6) From time to time the commissioner shall confer  
7 with members of the judiciary and the state bar relative to  
8 recodification procedures."

9 **Section 3.** Section 2-4-411, MCA, is amended to read:

10 "2-4-411. Report. The committee shall prepare and, as  
11 provided in [section 1], submit a report to the legislature  
12 at--least-once-each-biennium and may recommend amendments to  
13 the Montana Administrative Procedure Act or the repeal,  
14 amendment, or adoption of a rule as provided in 2-4-412."

15 **Section 4.** Section 2-7-104, MCA, is amended to read:

16 "2-7-104. Revenue estimate -- report to governor and  
17 legislature. The director of revenue shall prepare revenue  
18 estimates of state revenue from all sources and shall  
19 continuously study fiscal problems and tax structures of  
20 state and local governments and submit the studies to the  
21 governor and, as provided in [section 1], to the legislature  
22 at-their-request."

23 **Section 5.** Section 2-8-112, MCA, is amended to read:

24 "2-8-112. Legislative audit committee review and report  
25 -- review criteria. (1) The legislative audit committee is

1 responsible for conducting a review of each agency or  
 2 program scheduled for termination. The review shall be  
 3 completed at least 6 months prior to the date set for  
 4 termination. If for any reason a review of an agency or  
 5 program cannot be completed as required by this chapter, the  
 6 legislative audit committee shall submit a proposed bill for  
 7 the ensuing legislative session to reestablish the agency or  
 8 program.

9 (2) The review conducted shall include a performance  
 10 audit of the agency or program, with emphasis on its effect  
 11 on the public health, safety, and welfare.

12 (3) The legislative audit committee shall assist in the  
 13 implementation of the provisions of this part and shall  
 14 establish administrative procedures which facilitate the  
 15 review and evaluation as required in this part.

16 (4) Upon completion of its review, the legislative  
 17 audit committee shall, as provided in [section 1], make a  
 18 report of its recommendations for continuation,  
 19 modification, or termination and submit a proposed bill to  
 20 the ensuing legislative session. If termination is  
 21 recommended, the bill should repeal or otherwise deal with  
 22 all statutes and parts of statutes relating to the agency's  
 23 or program's activities."

24 **Section 6.** Section 2-8-203, MCA, is amended to read:

25 "2-8-203. Committee review and report. (1) Except as

1 provided in subsection (5), the committee shall review and  
 2 assess the merits of any proposal to:

3 (a) establish a new licensing board; or

4 (b) add to the duties of an existing licensing board  
 5 responsibility for licensing another occupation or  
 6 profession.

7 (2) Any proposal subject to review under subsection (1)  
 8 must be submitted, in the form of a legislative report, to  
 9 the committee at least 180 days before the first day of the  
 10 next regular legislative session.

11 (3) The committee shall conduct the review required by  
 12 subsection (1) only if the report includes:

13 (a) the information required by 2-8-204; and

14 (b) a completed application as provided in 2-8-205.

15 (4) The committee shall prepare and, as provided in  
 16 [section 1], submit a report to the legislature for its next  
 17 regular session. The report must include but is not limited  
 18 to:

19 (a) the committee's estimate of the cost to the state  
 20 of licensing the occupation or profession and a proposed  
 21 schedule of fees that will recover the cost of the licensing  
 22 program as required by 37-1-134; and

23 (b) the committee's recommendation as to whether the  
 24 profession or occupation should be licensed by the state.

25 (5) The provisions of this part do not apply to an

1 agency, profession, or occupation that is required to be  
2 licensed or regulated by federal law."

3 **Section 7.** Section 2-8-207, MCA, is amended to read:

4 "2-8-207. Consolidation of existing boards. Any person  
5 or organization may propose consolidation of two or more  
6 existing boards. The provisions of 2-8-202 through 2-8-205  
7 apply to such a proposal, except that:

8 (1) the committee shall designate a representative of  
9 each of the occupations or professions regulated by the  
10 licensing boards proposed for consolidation, and each  
11 representative must be treated as an applicant for purposes  
12 of 2-8-202 through 2-8-205; and

13 (2) the committee shall weigh the merits of the  
14 proposed consolidation against the merits of retaining a  
15 separate licensing board for each affected occupation or  
16 profession and recommend in its report recommend submitted  
17 to the legislature as provided in [section 1]:

- 18 (a) the proposed consolidation;
- 19 (b) continuation of the existing licensing boards; or
- 20 (c) a modification of the proposed consolidation."

21 **Section 8.** Section 2-8-208, MCA, is amended to read:

22 "2-8-208. Boards or licensing functions instituted by  
23 initiative. (1) If an initiative to establish a new  
24 licensing board or to add a new licensing responsibility to  
25 the duties of an existing licensing board is approved by the

1 electorate, the committee shall:

2 (a) review the initiative to assess the degree to which  
3 it meets the criteria in 2-8-204(1);

4 (b) request that the petitioners provide sufficient  
5 information from practitioners or other persons to allow the  
6 committee to make an assessment as required by 2-8-204(3);  
7 and

8 (c) evaluate the petitioners' initiative in terms of:

- 9 (i) clarity and conciseness;
- 10 (ii) conformity to existing statutes and principles of  
11 administrative law; and
- 12 (iii) specificity of the delegation of authority to  
13 promulgate rules and set fees.

14 (2) The committee shall prepare and, as provided in  
15 [section 1], submit a report to the next--session--of--the  
16 legislature. The report must include:

- 17 (a) the committee's findings with respect to each of  
18 the criteria in 2-8-204;
- 19 (b) an estimate of the cost to the state of licensing  
20 the occupation or profession and a proposed schedule of fees  
21 that will cover the cost of the licensing program as  
22 required by 37-1-134;
- 23 (c) the committee's recommendation as to whether the  
24 initiative should be amended; and
- 25 (d) if amendments are recommended, a legislative



1 proposal.

2 (3) Committee recommendations for amendments to the  
3 initiative must be incorporated in a bill introduced during  
4 the next session of the legislature."

5 **Section 9.** Section 2-15-2021, MCA, is amended to read:

6 **"2-15-2021. Gaming advisory council -- allocation --**  
7 **composition -- compensation -- annual report.** (1) There is a  
8 gaming advisory council.

9 (2) The gaming advisory council is allocated to the  
10 department for administrative purposes only as prescribed in  
11 2-15-121.

12 (3) The gaming advisory council consists of nine  
13 members. One member must be from the senate, and one member  
14 must be from the house of representatives. The senate  
15 committee on committees and the speaker of the house of  
16 representatives shall appoint the legislative members of the  
17 council. The seven remaining members must be appointed by  
18 the department, with one representing the public at large,  
19 two representing local governments, one being a Native  
20 American, and three representing the gaming industry.

21 (4) Each gaming advisory council member is appointed to  
22 a 3-year term of office, except that three of the  
23 first-appointed original members shall serve a 1-year term,  
24 three (including both legislative members) shall serve a  
25 2-year term, and three shall serve a 3-year term. A member

1 of the council may be removed for good cause by the  
2 appointing body provided for in subsection (3).

3 (5) The gaming advisory council shall appoint a  
4 chairman from its members.

5 (6) Legislative members of the gaming advisory council  
6 are entitled to compensation and expenses, as provided in  
7 5-2-302, while the council is meeting. The remaining members  
8 are entitled to travel, meals, and lodging expenses as  
9 provided for in 2-18-501 through 2-18-503. Expenses of the  
10 council must be paid from licensing fees received by the  
11 department.

12 (7) The gaming advisory council shall, within its  
13 authorized budget, hold meetings and incur expenses as it  
14 considers necessary to study all aspects of gambling in the  
15 state.

16 (8) (a) The gaming advisory council shall submit an  
17 annual report to the department, at a time designated by the  
18 department, with recommendations for amendments to the  
19 gambling statutes, the need for additional or modified  
20 department rules, the clarification of existing rules, and  
21 other recommendations on the operation of the department or  
22 any other gambling-related matter.

23 (b) The annual report required under subsection (8)(a)  
24 must be affixed to the annual department report on gambling  
25 in the state. The department and council shall, as provided

1 in [section 1], submit the two most recent department and  
 2 council reports to ~~each-of-the-next-two-regular-sessions--of~~  
 3 the legislature.

4 (c) The council may submit interim reports to the  
 5 department as the council considers necessary.

6 (d) The council shall meet with the department upon  
 7 request of the department.

8 (e) The department shall meet with the council upon  
 9 request of the council.

10 (9) The department shall give each council member  
 11 notice and a copy of each proposed change in administrative  
 12 rules relating to gambling. The notice and copy must be  
 13 given at the time a notice of proposed rules changes is  
 14 filed with the secretary of state. The council shall review  
 15 the proposal, may comment on it, and may attend any hearing  
 16 on the proposal. The department shall consider any comment  
 17 by any council member or by the council as a whole prior to  
 18 adopting the proposed change."

19 **Section 10.** Section 2-18-209, MCA, is amended to read:

20 "**2-18-209. Status report.** The department of  
 21 administration shall, as provided in [section 1], report to  
 22 the legislature the status of the study of the comparable  
 23 worth standard and the extent to which Montana's  
 24 classification plan and pay schedules adhere to or fall  
 25 short of the standard of equal pay for comparable worth. The

1 department shall make recommendations to the legislature as  
 2 to what impediments exist to meeting this standard. The  
 3 department shall continue to make such reports until the  
 4 standard is met."

5 **Section 11.** Section 2-18-811, MCA, is amended to read:

6 "**2-18-811. General duties of the department.** The  
 7 department shall:

8 (1) adopt rules for the conduct of its business under  
 9 this part and to carry out the purposes of this part;

10 (2) negotiate and administer contracts for state  
 11 employee group benefit plans;

12 (3) design state employee group benefit plans,  
 13 establish specifications for bids, and make recommendations  
 14 for acceptance or rejection of bids;

15 (4) prepare an annual report which describes the state  
 16 employee group benefit plans being administered, details the  
 17 historical and projected program costs and the status of  
 18 reserve funds, and makes recommendations, if any, for change  
 19 in existing state employee group benefit plans; and

20 (5) prior to each legislative session, perform or  
 21 obtain an analysis of rate adequacy of all state employee  
 22 group benefit plans administered under this part; and

23 ~~(6) The department shall make copies of as provided in~~  
 24 [section 1], submit the report available required in this  
 25 section to the legislature."

1       **Section 12.** Section 2-18-1103, MCA, is amended to read:

2       "2-18-1103. Powers and duties of the department. The  
3 department shall:

4       (1) adopt rules to equitably administer the employee  
5 incentive award program;

6       (2) provide an opportunity for all employees to  
7 participate in the program;

8       (3) assist agencies in making incentive awards under  
9 the program;

10       (4) grant or deny incentive awards in consultation with  
11 the incentive awards advisory council and determine the  
12 amount of each incentive award based on first-year monetary  
13 savings;

14       (5) hear appeals from employees on the operation of the  
15 program;

16       (6) prepare and submit, as provided in [section 1], a  
17 biennial report to the legislature containing a list of  
18 incentive awards and the corresponding savings to the state  
19 resulting from each employee's suggestion or invention and  
20 providing a general review of and recommendations for  
21 improving the program; and

22       (7) send a copy of all suggestions or inventions  
23 submitted under this program to the office of the  
24 legislative fiscal analyst."

25       **Section 13.** Section 3-1-702, MCA, is amended to read:

1       "3-1-702. Duties. The court administrator is the  
2 administrative officer of the court. Under the direction of  
3 the supreme court, the court administrator shall:

4       (1) prepare and present judicial budget requests to the  
5 legislature;

6       (2) collect, compile, and report statistical and other  
7 data relating to the business transacted by the courts and  
8 provide such the information to the legislature pursuant to  
9 [section 1] upon-request;

10       (3) recommend to the supreme court improvements in the  
11 judiciary; and

12       (4) perform such other duties as the supreme court may  
13 assign."

14       **Section 14.** Section 3-1-1126, MCA, is amended to read:

15       "3-1-1126. Commission report to legislature. (1) The  
16 commission shall, as provided in [section 1], submit to the  
17 legislature ~~each--year--the--legislature--meets--in--regular~~  
18 ~~session~~ a report containing the following information:

19       (a) identification of each complaint, whether or not  
20 verified, received by the commission during the preceding  
21 biennium by a separate number that in no way reveals the  
22 identity of the judge complained against;

23       (b) the date each complaint was filed;

24       (c) the general nature of each complaint;

25       (d) whether there have been previous complaints against

1 the same judge and, if so, the general nature of the  
2 previous complaints;

3 (e) the present status of all complaints filed with or  
4 pending before the commission during the preceding biennium;  
5 and

6 (f) whenever a final disposition of a complaint has  
7 been made during the preceding biennium, the nature of the  
8 disposition, the commission's recommendation, if any, to the  
9 supreme court, and the action taken by the supreme court.

10 (2) The commission must observe the confidentiality  
11 provisions of this part in fulfilling the requirements of  
12 this section."

13 **Section 15.** Section 5-5-216, MCA, is amended to read:

14 "5-5-216. Recommendations of subcommittees. A  
15 subcommittee appointed for the purpose of making a study  
16 designated by the legislative council may make  
17 recommendations for legislation. These recommendations and  
18 the study report shall be submitted to the legislature at  
19 ~~the next regular session as provided in [section 1].~~"

20 **Section 16.** Section 5-13-304, MCA, is amended to read:

21 "5-13-304. Powers and duties. The legislative auditor  
22 shall:

23 (1) conduct a financial and compliance audit of every  
24 state agency every 2 years covering the 2-year period since  
25 the last audit, unless otherwise required by state law;

1 (2) conduct a special audit whenever he determines it  
2 necessary and shall so advise the members of the legislative  
3 audit committee;

4 (3) make a complete written report of each audit. A  
5 copy of each report shall be furnished to the department of  
6 administration, the state agency which was audited, each  
7 member of the committee, and the legislative council.

8 (4) report immediately in writing to the attorney  
9 general and the governor any apparent violation of penal  
10 statutes disclosed by the audit of a state agency and  
11 furnish the attorney general with all information in his  
12 possession relative to the violation;

13 (5) report immediately in writing to the governor any  
14 instances of misfeasance, malfeasance, or nonfeasance by a  
15 state officer or employee disclosed by the audit of a state  
16 agency;

17 (6) report immediately to the surety upon the bond of  
18 an official or employee when an audit discloses a shortage  
19 in the accounts of the official or employee. Failure to  
20 notify the surety does not release the surety from any  
21 obligation under the bond.

22 (7) report to the legislature ~~during the first week of~~  
23 ~~each regular session as provided in [section 1].~~ The report  
24 shall contain, among other things, copies of or summaries of  
25 audit reports on state agencies and any recommendations

1 relating to such reports.

2 (8) have the authority to audit records of  
3 organizations and individuals receiving grants from or on  
4 behalf of the state to determine that the grants are  
5 administered in accordance with the grant terms and  
6 conditions. Whenever a state agency enters into an agreement  
7 to grant resources under its control to others, the agency  
8 must obtain the written consent of the grantee to the audit  
9 provided for in this subsection."

10 **Section 17.** Section 5-17-103, MCA, is amended to read:

11 "5-17-103. Report to legislature. The committee shall  
12 prepare a written report of its activities and  
13 recommendations and present the report to the legislature at  
14 ~~each-regular-session~~ as provided in [section 1] for the  
15 purpose of assisting the legislature in determining if such  
16 recommendations should be implemented. To prepare its report  
17 and recommendations, the committee may receive assistance  
18 from the legislative council."

19 **Section 18.** Section 5-18-203, MCA, is amended to read:

20 "5-18-203. Powers and duties of subcommittee. (1) The  
21 coal tax oversight subcommittee may:

- 22 (a) review the programs financed by coal severance tax  
23 funds; and  
24 (b) consider any matters relating to coal taxation.  
25 (2) The subcommittee shall:

1 (a) report and make recommendations to the revenue  
2 oversight committee; and

3 (b) as provided in [section 1], prepare for each  
4 ~~regular-session-of~~ the legislature a report on potential  
5 uses of the coal tax trust fund to develop a stable, strong,  
6 and diversified Montana economy that meets the needs of  
7 present and future generations of Montanans while  
8 maintaining and improving a clean and healthful environment  
9 as required by Article IX, section 1, of the Montana  
10 constitution."

11 **Section 19.** Section 5-19-108, MCA, is amended to read:

12 "5-19-108. Duties of the committee. The committee  
13 shall:

14 (1) seek opinions of and information from Indian  
15 tribes, Indian tribal organizations, state agencies, local  
16 governments, non-Indians living on or near Indian  
17 reservations, and other interested persons and agencies in  
18 order to gain insight into Indian/non-Indian relations;

19 (2) hold hearings both on and off reservations to  
20 promote better understanding between tribes and public  
21 agencies and to improve both the Indian people's knowledge  
22 of the structure of state agencies and the legislative  
23 process and the non-Indian people's knowledge of tribal  
24 government and institutions;

25 (3) encourage and foster participation of Indian people

1 at its meetings;

2 (4) act as a liaison between the Indian people and the  
3 legislature;

4 (5) encourage tribal-state and tribal-local government  
5 cooperation and otherwise promote amicable Indian/non-Indian  
6 relations;

7 (6) cooperate with the commissioner of higher education  
8 in a study of Indian students in Montana schools; and

9 (7) as provided in [section 1], report its activities,  
10 findings, recommendations, and any proposed legislation to  
11 the legislature."

12 **Section 20.** Section 10-4-102, MCA, is amended to read:

13 **"10-4-102. Department of administration duties and**  
14 **powers.** (1) The department shall assist in the development  
15 of 9-1-1 systems in the state. The department shall:

16 (a) establish procedures for determining and evaluating  
17 requests for variations from minimum 9-1-1 service;

18 (b) upon request of a 9-1-1 jurisdiction, assist in  
19 planning an emergency 9-1-1 telephone system;

20 (c) establish criteria for evaluating plans;

21 (d) monitor implementation of approved plans for  
22 compliance with the plan and use of funding; and

23 (e) as provided in [section 1], report ~~biennially~~ to  
24 the legislature the progress made in implementing a  
25 statewide emergency telephone system.

1 (2) The department shall obtain input from all 9-1-1  
2 jurisdictions by creating an advisory council to participate  
3 in development and implementation of the 9-1-1 program in  
4 the state. The council must be established pursuant to  
5 2-15-122. The highway patrol, emergency medical services  
6 organizations, telephone companies, the associated public  
7 safety communicators, the department of emergency services,  
8 police departments, sheriff's departments, local citizens,  
9 organizations, and other public safety organizations may  
10 submit recommendations for membership on the advisory  
11 council."

12 **Section 21.** Section 15-1-205, MCA, is amended to read:

13 **"15-1-205. Biennial report -- contents.** (1) The  
14 department shall transmit to the governor 20 days before the  
15 meeting of the legislature and upon request to each member  
16 of, as provided in [section 1], submit to the legislature 20  
17 days--before--the--meeting--of--the--legislature a report of the  
18 department showing all the taxable property of the state,  
19 counties, and cities and its value, in tabulated form, with  
20 recommendations for improvements in the system of taxation,  
21 together with alternative measures as may be formulated for  
22 the consideration of the legislature.

23 (2) The report or supplements to the report may also  
24 include:

25 (a) the gross dollar amount of revenue loss

1 attributable to:

2 (i) personal income and corporation license tax  
3 exemptions;

4 (ii) property tax exemptions for which application to  
5 the department or its agent is necessary;

6 (iii) deferral of income;

7 (iv) credits allowed against Montana personal income tax  
8 or Montana corporation license tax, reported separately;

9 (v) deductions from income; and

10 (vi) any other identifiable preferential treatment of  
11 income or property;

12 (b) any change in tax revenue of the state or any unit  
13 of local government attributable to a change in federal tax  
14 law; and

15 (c) any change in the revenue of any unit of local  
16 government attributable to a change in state tax law.

17 (3) The data described in subsection (2), if reported,  
18 must be related to the income and age of the taxpayer  
19 whenever such information is available.

20 (4) (a) When reporting the data described in subsection  
21 (2)(a), the department shall identify any known purpose of  
22 the preferential treatment.

23 (b) Based upon the purpose of the preferential  
24 treatment, the department shall outline the available data  
25 necessary to determine the effectiveness of the preferential

1 treatment.

2 (5) In reporting the data described in subsection (2),  
3 the department shall report any comparable data, if  
4 available, from Wyoming, Idaho, North Dakota, and South  
5 Dakota and from any other state the department may choose.

6 (6) The department must identify in a separate section  
7 of the report any changes that have been made or that are  
8 contemplated in property appraisal or assessment.

9 (7) The department may include a report showing the  
10 selling price of gasoline at the wholesale level in prime  
11 market centers of Montana and in surrounding states during  
12 the biennium, with indexes tabulated at sufficient intervals  
13 to show the comparative state price structures."

14 **Section 22.** Section 17-4-107, MCA, is amended to read:

15 "17-4-107. Write-off procedures. (1) The state auditor  
16 may establish procedures for canceling and writing off  
17 accounts receivable carried on the books of the various  
18 state agencies which have been transferred to him pursuant  
19 to 17-4-104 and which are uncollectible or the continued  
20 pursuance of the collection thereof would cost the state  
21 more than the amount collected. Such procedures shall be  
22 established in accordance with subsection (2).

23 (2) The department of administration may establish  
24 procedures for canceling and writing off accounts receivable  
25 carried on the books of various state agencies which are

1 uncollectible or the continued pursuance of the collection  
 2 would cost the state more than the amount collected. Such  
 3 procedures shall include the reporting, as provided in  
 4 [section 1], of any canceling and writing off of accounts  
 5 ~~receivable to-the-next-session-of-the-legislature."~~

6 **Section 23.** Section 17-5-1650, MCA, is amended to read:

7 "17-5-1650. Annual report. By December 31 of each year,  
 8 the board shall publish a financial report for distribution  
 9 to the governor, the legislature as provided in [section 1],  
 10 and the public. The report must include a statement of the  
 11 board's current financial position with respect to its  
 12 activities under this part, a summary of its activities  
 13 pursuant to this part during the previous year (including a  
 14 listing of the local governmental securities purchased by  
 15 the board, a listing of the bonds and notes sold by the  
 16 board, and a summary of the performance of any other  
 17 investments of the board's funds received under this part),  
 18 an estimate of the levels of such activities for the next  
 19 year, and a comparison of such activities during the  
 20 previous year with the estimates of those activities that  
 21 were made in the previous annual report."

22 **Section 24.** Section 18-7-303, MCA, is amended to read:

23 "18-7-303. Duties of committee. The committee shall:

24 (1) adopt standards for the efficient and economical  
 25 publication of public documents;

1 (2) review proposals for publishing of all public  
 2 documents prior to publication to determine:

3 (a) that the publication is necessary; and

4 (b) that the publication meets the standards of  
 5 efficient and economical publication; and

6 (3) prepare a report for submission to each the  
 7 legislature, as provided in [section 1], detailing the  
 8 savings to state government resulting from this part."

9 **Section 25.** Section 19-4-201, MCA, is amended to read:

10 "19-4-201. Administration by retirement board. The  
 11 retirement board shall administer and operate the retirement  
 12 system within the limitations prescribed by this chapter,  
 13 and to this end, it is the duty of the retirement board to:

14 (1) establish rules necessary for the proper  
 15 administration and operation of the retirement system;

16 (2) approve or disapprove all expenditures necessary  
 17 for the proper operation of the retirement system;

18 (3) keep a record of all its proceedings, which must be  
 19 open to public inspection;

20 (4) publish a biennial report by January 1 of each year  
 21 the legislature meets which reports in detail the fiscal  
 22 transactions for the 2 fiscal years immediately preceding  
 23 the report due date, the amount of the accumulated cash and  
 24 securities of the retirement system, and the last fiscal  
 25 year balance sheet showing the assets and liabilities of the



1 retirement system and submit the biennial report to the  
2 governor and, furnish-copies as provided in [section 1], to  
3 the legislature;

4 (5) keep in convenient form that data which is  
5 necessary for actuarial valuation of the various funds of  
6 the retirement system and for checking the experience of the  
7 retirement system;

8 (6) prepare an annual valuation of the assets and  
9 liabilities of the retirement system;

10 (7) prescribe a form for membership application which  
11 will provide adequate and necessary information for the  
12 proper operation of the retirement system;

13 (8) annually determine the rate of regular interest as  
14 prescribed in 19-4-501;

15 (9) establish and maintain the funds of the retirement  
16 system in accordance with the provisions of part 6 of this  
17 chapter; and

18 (10) perform such other duties and functions as are  
19 required to properly administer and operate the retirement  
20 system."

21 **Section 26.** Section 20-9-346, MCA, is amended to read:

22 **"20-9-346.** Duties of the superintendent of public  
23 instruction for state equalization aid distribution. The  
24 superintendent of public instruction shall administer the  
25 distribution of the state equalization aid by:

1 (1) establishing the annual entitlement of each  
2 district and county to state equalization aid, based on the  
3 data reported in the retirement and general fund budgets for  
4 each district that have been duly adopted for the current  
5 school fiscal year and verified by the superintendent of  
6 public instruction and by applying the verified data under  
7 the provisions of the state equalization aid allocation  
8 procedure prescribed in 20-9-347;

9 (2) recommending to the board of public education the  
10 entitlement of all districts and counties to state  
11 equalization aid to enable the board of public education to  
12 order the distribution of state equalization aid;

13 (3) distributing by state warrant or electronic  
14 transfer the state equalization aid, for each district or  
15 county entitled to the aid, to the county treasurer of the  
16 respective county or county where the district is located,  
17 in accordance with the distribution ordered by the board of  
18 public education;

19 (4) keeping a record in his office of the full and  
20 complete data concerning money available for state  
21 equalization aid and the entitlements for state equalization  
22 aid of the districts of the state;

23 (5) reporting to the board of public education the  
24 estimated amount that will be available for state  
25 equalization aid; and

1 (6) reporting to both-houses-of the state legislature  
2 in--any--year--when--a--session--is--convened as provided in  
3 [section 1]:

4 (a) the figures and data available in his office  
5 concerning distributions of state equalization aid during  
6 the preceding 2 school fiscal years;

7 (b) the amount of state equalization aid then  
8 available;

9 (c) the apportionment made of the available money but  
10 not yet distributed; and

11 (d) the latest estimate of accruals of money available  
12 for state equalization aid."

13 **Section 27.** Section 20-25-236, MCA, is amended to read:

14 "20-25-236. Report to legislature. The Montana  
15 agricultural experiment station and the cooperative  
16 extension service shall, as provided in [section 1], report  
17 to the legislature regarding the expenditures, activities,  
18 and outcomes of the program provided for in 20-25-233  
19 through 20-25-236."

20 **Section 28.** Section 20-25-301, MCA, is amended to read:

21 "20-25-301. Regents' powers and duties. The board of  
22 regents of higher education shall serve as regents of the  
23 Montana university system, shall use and adopt this style in  
24 all its dealings therewith, and shall:

25 (1) have general control and supervision of the units

1 of the Montana university system, which shall be considered  
2 for all purposes one university;

3 (2) adopt rules, not inconsistent with the constitution  
4 and the laws of the state, for its own government which are  
5 proper and necessary for the execution of the powers and  
6 duties conferred upon it by law;

7 (3) provide, subject to the laws of the state, rules  
8 for the government of the system;

9 (4) grant diplomas and degrees to the graduates of the  
10 system upon the recommendation of the faculties and have  
11 discretion to confer honorary degrees upon persons other  
12 than graduates upon the recommendation of the faculty of  
13 such institutions;

14 (5) keep a record of its proceedings;

15 (6) have, when not otherwise provided by law, control  
16 of all books, records, buildings, grounds, and other  
17 property of the system;

18 (7) receive from the board of land commissioners, other  
19 boards, persons, or from the government of the United States  
20 all funds, incomes, and other property the system may be  
21 entitled to and use and appropriate the property for the  
22 specific purpose of the grant or donation;

23 (8) have general control of all receipts and  
24 disbursements of the system;

25 (9) appoint a president and faculty for each of the

1 institutions of the system, appoint any other necessary  
2 officers, agents, and employees, and fix their compensation;

3 (10) confer upon the executive board of each of the  
4 units of the system such authority as may be deemed  
5 expedient relating to immediate control and management,  
6 other than authority relating to financial matters or the  
7 selection of the teachers, employees, and faculty;

8 (11) confer, at the regents' discretion, upon the  
9 president and faculty of each of the units of the system for  
10 the best interest of the unit such authority relating to the  
11 immediate control and management, other than financial, and  
12 the selection of teachers and employees;

13 (12) prevent unnecessary duplication of courses at the  
14 units of the system;

15 (13) appoint a certified professional geologist or  
16 registered mining engineer as the director of the Montana  
17 state bureau of mines and geology, who shall be designated  
18 the state geologist, and appoint any other necessary  
19 assistants and employees and fix their compensation. The  
20 regents shall prepare and, as provided in [section 1],  
21 submit a report to each regular session of the legislature  
22 showing the progress and condition of the bureau, including  
23 any other necessary or required information.

24 (14) supervise and control the agricultural experiment  
25 station, along with any executive or subordinate board or

1 authority which may be appointed by the governor with the  
2 advice and consent of the regents;

3 (15) adopt a seal bearing on its face the words "Montana  
4 university system", which must be affixed to all diplomas  
5 and all other papers, instruments, or documents which may  
6 require it;

7 (16) assure an adequate level of security for data and  
8 information technology resources, as defined in 2-15-102,  
9 within the state university system. In carrying out this  
10 responsibility, the board of regents shall, at a minimum,  
11 address the responsibilities prescribed in 2-15-114."

12 **Section 29.** Section 22-3-107, MCA, is amended to read:

13 "22-3-107. Authority of board. The powers and duties of  
14 the trustees are as follows:

15 (1) to elect annually from among their number a  
16 president, a vice-president, and a secretary;

17 (2) to adopt bylaws for their own government and to  
18 make rules, not inconsistent with law, for the proper  
19 administration of the society in the interests of preserving  
20 the rich heritage of this state and its people;

21 (3) to appoint a director, fix his salary, and  
22 prescribe his duties and responsibilities;

23 (4) to create such classes of memberships in the  
24 society as they deem desirable, to determine the  
25 qualifications for any class of membership, and to set the

1 fees to be paid for such memberships;

2 (5) to sell or exchange publications and other museum  
3 or art objects and use the money arising from such sales for  
4 the operation of the society and for the acquisition of  
5 historical materials and objects of art;

6 (6) to sell or exchange surplus or duplicate books,  
7 surplus museum or art objects or artifacts not pertinent to  
8 the region encompassed by the Montana historical society  
9 mission and to use the money arising from such sales  
10 exclusively for acquisitions of library, art, and museum  
11 artifacts;

12 (7) to see that the collections and properties of the  
13 society are maintained in good order and repair;

14 (8) to report to the governor and, as provided in  
15 [section 1], the legislature biennially. The report shall  
16 include a statement of all important transactions and  
17 acquisitions, with suggestions and recommendations for the  
18 better realization of the purposes of the society and the  
19 improvement of its collections and services.

20 (9) to accept, receive, and administer in the name of  
21 the society any gifts, donations, properties, securities,  
22 bequests, and legacies that may be made to the society.  
23 Moneys received by donation, gift, bequest, or legacy,  
24 unless otherwise provided by the donor, shall be deposited  
25 in the state treasury and used for the general operation of

1 the society.

2 (10) to collect, assemble, preserve, and display, where  
3 appropriate, all obtainable books, pamphlets, maps, charts,  
4 manuscripts, journals, diaries, papers, business records,  
5 paintings, drawings, engravings, photographs, statuary,  
6 models, relics, and all other materials illustrative of the  
7 history of Montana in particular and generally of the  
8 Pacific Northwest, Northern Rocky Mountain, and Northern  
9 Great Plains regions and of the United States of America  
10 when pertinent;

11 (11) to procure from pioneers, early settlers, and  
12 others narratives of the events relative to the early  
13 settlement of Montana, the Indian occupancy, Indian and  
14 other wars, overland travel and immigration to the  
15 territories of the west, and all other related documents of  
16 Montana's history, development, and society;

17 (12) to gather contemporary information, specimens, and  
18 all other materials which exhibit faithfully the distinctive  
19 historical and contemporary characteristics of the area,  
20 with particular attention to Indian, military, and pioneer  
21 artifacts and implements;

22 (13) to collect and preserve such natural history  
23 objects as fossils, plants, minerals, and animals;

24 (14) to collect and preserve books, maps, manuscripts,  
25 and other materials as will tend to facilitate historical,

1 scientific, and antiquarian research;

2 (15) to promote the study of Montana history by lectures  
3 and publications;

4 (16) to publish a roadside history of Montana with maps,  
5 photographs, and text that will enable tourists, citizens,  
6 and students to understand the history of the countryside  
7 seen from the state's main roads;

8 (17) to generally foster and encourage the fine arts and  
9 cultural activities in Montana;

10 (18) to receive for and on behalf of the state, by  
11 donation or otherwise, art objects of any kind and  
12 description and to exhibit and circulate such objects in  
13 Montana and elsewhere;

14 (19) to microfilm papers or documents in danger of  
15 disappearance or injury; and

16 (20) to coordinate the administration of the historic  
17 records network established in 22-3-211."

18 **Section 30.** Section 23-5-1008, MCA, is amended to read:

19 "23-5-1008. Legislative liaison committee -- bipartisan  
20 -- compensation from lottery fund. (1) There is a  
21 legislative liaison committee.

22 (2) The liaison committee consists of four legislators.  
23 Two members must be from the senate and two members must be  
24 from the house of representatives. The speaker of the house  
25 and the senate committee on committees shall appoint the

1 members of the liaison committee, and no more than two  
2 members may be of the same political party. No legislator  
3 who has any ownership interest in any gambling device or  
4 establishment may be appointed to the liaison committee.

5 (3) A member of the liaison committee is entitled to  
6 compensation and expenses as provided in 5-2-302, paid from  
7 money appropriated to the lottery, while performing his  
8 duties as a member of the liaison committee, as provided in  
9 subsection (4) of this section.

10 (4) The liaison committee shall meet once each fiscal  
11 year with the commission at Helena and shall, as provided in  
12 [section 1], report to each legislature on the activities  
13 and operations of the state lottery."

14 **Section 31.** Section 33-22-1513, MCA, is amended to  
15 read:

16 "33-22-1513. Operation of association plan. (1) Upon  
17 acceptance by the lead carrier under 33-22-1516, an eligible  
18 person may enroll in the association plan by payment of the  
19 association plan premium to the lead carrier.

20 (2) Not less than 88% of the association plan premiums  
21 paid to the lead carrier may be used to pay claims and not  
22 more than 12% may be used for payment of the lead carrier's  
23 direct and indirect expenses as specified in 33-22-1514.

24 (3) Any income in excess of the costs incurred by the  
25 association in providing reinsurance or administrative

1 services must be held at interest and used by the  
2 association to offset past and future losses due to claims  
3 expenses of the association plan or be allocated to reduce  
4 association plan premiums.

5 (4) Each participating member of the association shall  
6 share the losses due to claims expenses of the association  
7 plan for plans issued or approved for issuance by the  
8 association and shall share in the operating and  
9 administrative expenses incurred or estimated to be incurred  
10 by the association incident to the conduct of its affairs.  
11 Claims expenses of the association plan that exceed the  
12 premium payments allocated to the payment of benefits are  
13 the liability of the association members. Association  
14 members shall share in the claims expenses of the  
15 association plan and operating and administrative expenses  
16 of the association in an amount equal to the ratio of:

17 (a) the association member's total disability insurance  
18 premium received from or on behalf of Montana residents  
19 divided by;

20 (b) the total disability premium received by all  
21 association members from or on behalf of Montana residents,  
22 as determined by the commissioner.

23 (5) The association shall make an annual determination  
24 of each association member's liability, if any, and may make  
25 an annual fiscal yearend assessment if necessary. The

1 association may also, subject to the approval of the  
2 commissioner, provide for interim assessments against the  
3 association members as may be necessary to assure the  
4 financial capability of the association in meeting the  
5 incurred or estimated claims expenses of the association  
6 plan and operating and administrative expenses of the  
7 association until the association's next annual fiscal  
8 yearend assessment. Payment of an assessment is due within  
9 30 days of receipt by an association member of a written  
10 notice of a fiscal yearend or interim assessment. Failure by  
11 a contributing member to tender to the association the  
12 assessment within 30 days is grounds for termination of  
13 membership. An association member that ceases to do  
14 disability insurance business within the state remains  
15 liable for assessments through the calendar year during  
16 which disability insurance business ceased. The association  
17 may decline to levy an assessment against an association  
18 member if the assessment, as determined pursuant to this  
19 section, would not exceed \$10.

20 (6) Any annual fiscal yearend or interim assessment  
21 levied against an association member may be offset, in an  
22 amount equal to the assessment paid to the association,  
23 against the premium tax payable by that association member  
24 pursuant to 33-2-705 for the year in which the annual fiscal  
25 yearend or interim assessment is levied. The insurance

1 commissioner shall, ~~each--year--the--legislature--meets--in~~  
 2 ~~regular--session,--on--or--before--January--15,~~ as provided in  
 3 [section 1], report to the legislature the total amount of  
 4 premium tax offset claimed by association members during the  
 5 preceding biennium."

6 **Section 32.** Section 37-1-106, MCA, is amended to read:  
 7 "37-1-106. Biennial report to governor and legislature.  
 8 The department, in cooperation with each licensing board,  
 9 shall prepare a biennial report. The biennial report of the  
 10 department shall contain for each board a summary of the  
 11 board's activities, the board's goals and objectives, a  
 12 detailed breakdown of board revenues and expenditures,  
 13 statistics illustrating board activities concerning  
 14 licensing, summary of complaints received and their  
 15 disposition, number of licenses revoked or suspended,  
 16 legislative or court action affecting the board, and any  
 17 other information the department or board considers  
 18 relevant. The department shall provide a copy of the report  
 19 to the governor and, as provided in [section 1], to the  
 20 legislature."

21 **Section 33.** Section 39-6-101, MCA, is amended to read:  
 22 "39-6-101. Duties of department. (1) The department of  
 23 labor and industry shall:  
 24 (a) encourage and promote the making of apprenticeship  
 25 agreements conforming to the standards established by or in

1 accordance with this chapter;  
 2 (b) register such apprenticeship agreements as are in  
 3 the best interests of the apprenticeship and conform to the  
 4 standards established by or in accordance with this chapter;  
 5 (c) keep a record of apprenticeship agreements and,  
 6 upon performance thereof, issue certificates of completion  
 7 of apprenticeship;  
 8 (d) terminate or cancel any apprenticeship agreements  
 9 in accordance with the provisions of such agreements; and  
 10 (e) provide assistance for the development of  
 11 on-the-job training programs in nonapprenticeable  
 12 occupations;  
 13 (f) establish standards for apprenticeship agreements  
 14 in conformity with the provisions of this chapter;  
 15 (g) issue such rules as may be necessary to carry out  
 16 the intent and purposes of this chapter; and  
 17 (h) perform such other duties as may be required by  
 18 federal regulations, provided that such federal regulations  
 19 are not in conflict with this chapter.  
 20 (2) Not less often than once every 2 years, the  
 21 department shall make a report through of its activities and  
 22 findings to the governor of-its-activities and, as provided  
 23 in [section 1], findings to the legislature, 7--which--shall  
 24 be--made The department shall also make the report available  
 25 to the public."

1       **Section 34.** Section 39-51-407, MCA, is amended to read:  
 2       **"39-51-407. Reimbursement of fund by state.** This state  
 3 recognizes its obligation to replace, and hereby pledges the  
 4 faith of this state that funds will be provided in the  
 5 future and applied to the replacement of any of the money  
 6 received from the United States or any agency thereof under  
 7 Title III of the Social Security Act, any unencumbered  
 8 balances in the unemployment insurance administration  
 9 account, any money granted to this state pursuant to the  
 10 provisions of the Wagner-Peyser Act, and any money made  
 11 available by the state or its political subdivisions and  
 12 matched by such money granted to this state pursuant to the  
 13 provisions of the Wagner-Peyser Act which the secretary of  
 14 labor finds have, because of any action or contingency, been  
 15 lost or have been expended for purposes other than or in  
 16 amounts in excess of those found necessary by the secretary  
 17 of labor for the proper administration of this chapter. Such  
 18 money shall be promptly supplied by money furnished by the  
 19 state of Montana or any of its subdivisions for the use of  
 20 the department and used only for purposes approved by the  
 21 secretary of labor. The department shall, if necessary,  
 22 promptly report to the governor and the governor to the  
 23 legislature, by a letter to the speaker of the house of  
 24 representatives and the president of the senate, the amount  
 25 required for such replacement."

1       **Section 35.** Section 44-2-304, MCA, is amended to read:  
 2       **"44-2-304. Report by attorney general.** The attorney  
 3 general shall prepare a report in detail covering the  
 4 operations of the communications network, the accounting of  
 5 all moneys received and expended, and the need to expand or  
 6 improve the system. He As provided in [section 1], he shall  
 7 submit such the report to the appropriations-committee-of  
 8 every legislature at-the-time-funds-are--requested--for--the  
 9 administration-of-this-part."

10       **Section 36.** Section 44-13-103, MCA, is amended to read:  
 11       **"44-13-103. Limitations on use of special law**  
 12 **enforcement assistance account.** (1) After property is  
 13 credited to the account, the attorney general may:  
 14       (a) transfer the property to any local or state law  
 15 enforcement agency to be used for criminal investigation  
 16 purposes;  
 17       (b) sell the property by public sale;  
 18       (c) destroy any illegal or controlled substances and  
 19 sell or destroy raw materials, products, and equipment used  
 20 or intended for use in manufacturing, compounding, or  
 21 processing a controlled substance;  
 22       (d) compromise and pay claims against the property; and  
 23       (e) make any other disposition of the property  
 24 authorized by law.  
 25       (2) Money and proceeds from property credited to the



1 account may be used by the attorney general for:

2 (a) the payment of any expenses necessary to seize,  
3 detain, appraise, inventory, safeguard, maintain, advertise,  
4 or sell seized, detained, or forfeited property, including  
5 but not limited to payment for contract services and  
6 reimbursement to a federal, state, or local agency for its  
7 expenses;

8 (b) the payment of awards for information or assistance  
9 leading to a criminal proceeding or a civil forfeiture  
10 proceeding;

11 (c) the compromise and payment of claims against  
12 property;

13 (d) the payment of sums for criminal investigation  
14 purposes, including but not limited to:

15 (i) payment of informants;

16 (ii) use by undercover agents to purchase unlawful  
17 substances, including, without limitation, counterfeit or  
18 real controlled substances, pornographic materials, stolen  
19 property, or other contraband;

20 (iii) use by undercover agents as gambling front money;  
21 and

22 (iv) payment of overtime to state or local law  
23 enforcement officers when engaged in special criminal  
24 investigations;

25 (e) the payment of funds into the account created by

1 53-9-109; and

2 (f) matching federal grants for criminal investigation  
3 purposes.

4 (3) The attorney general shall, as provided in [section  
5 1], give submit to the legislature, not later than 4 months  
6 after the end of each fiscal year, a detailed written report  
7 of the amounts and property credited to the account and of  
8 the disposition of money and property credited to the  
9 account, but may not make any disclosure that would  
10 compromise any investigation or prosecution."

11 **Section 37.** Section 46-23-316, MCA, is amended to read:

12 **"46-23-316. Governor's report to legislature.** The  
13 **governor must-communicate shall, as provided in [section 1],**  
14 **report to the legislature at each regular session** each case  
15 of remission of fine or forfeiture, respite, commutation, or  
16 pardon granted since the last previous report, stating the  
17 name of the convict, the crime of which he was convicted,  
18 the sentence and its date, the date of remission,  
19 commutation, pardon, or respite, with the reason for  
20 granting the same, and the objection, if any, of any of the  
21 members of the board made thereto."

22 **Section 38.** Section 53-2-1107, MCA, is amended to read:

23 **"53-2-1107. Job training plan -- requirements.** (1) Each  
24 private industry council shall prepare for the service  
25 delivery area a job training plan that has been prepared in

1 accordance with this part and sections 103 through 105 of  
2 the Job Training Partnership Act (29 U.S.C. 1513 through  
3 1515).

4 (2) Each job training plan must include:

5 (a) the council's priorities for services and groups to  
6 be served within the service delivery area;

7 (b) procedures to be used in identifying and selecting  
8 program participants and in determining and verifying their  
9 eligibility;

10 (c) the type of services and training to be provided,  
11 including the estimated cost per participant;

12 (d) criteria for evaluating the content and quality of  
13 services and training;

14 (e) performance standards as required under 53-2-1108;

15 (f) procedures for selecting service providers as  
16 required under section 107 of the Job Training Partnership  
17 Act (29 U.S.C. 1517);

18 (g) a plan for the coordination of services and  
19 training with other programs as required in 53-2-1109;

20 (h) a procedure for preparing and submitting to the  
21 governor and, as provided in [section 1] if practical, the  
22 legislature an annual report that describes the activities  
23 conducted in the service delivery area during the program  
24 year and the extent to which activities exceeded or failed  
25 to meet the performance standards adopted in the job

1 training plan; and

2 (i) all other information required under section 104 of  
3 the Job Training Partnership Act (29 U.S.C. 1514)."

4 **Section 39.** Section 53-6-110, MCA, is amended to read:

5 "53-6-110. Report and recommendations to legislature on  
6 medicaid funding. (1) At the commencement of each  
7 legislative session, the department of social and  
8 rehabilitation services shall submit a report, as provided  
9 in [section 1], to the legislature concerning medicaid  
10 funding for the next biennium. This report must include at  
11 least the following elements:

12 (a) analysis of past and present funding levels for the  
13 various categories and types of health services eligible for  
14 medicaid reimbursement;

15 (b) projected increased medicaid funding needs for the  
16 next biennium. These projections shall identify the effects  
17 of projected population growth and demographic patterns on  
18 at least the following elements:

19 (i) trends in unit costs for services, including  
20 inflation;

21 (ii) trends in use of services;

22 (iii) trends in medicaid recipient levels; and

23 (iv) the effects of new and projected facilities and  
24 services for which a need has been identified in the state  
25 health plan prepared pursuant to 42 U.S.C. 300m-2(a)(2).

1       (2) ~~in--addition--to~~ As an integral part of the report,  
2 the department of social and rehabilitation services shall  
3 present a recommendation of funding levels for the medicaid  
4 program. The recommendation need not be consistent with the  
5 state health plan.

6       (3) In arriving at the projections and recommendation  
7 required in subsections (1) and (2), the department of  
8 social and rehabilitation services shall consult with the  
9 department of health and environmental sciences.

10       (4) In making its appropriations for medicaid funding,  
11 the legislature shall specify the portions of medicaid  
12 funding anticipated to be allocated to specific categories  
13 and types of health care services."

14       **Section 40.** Section 53-20-104, MCA, is amended to read:

15       "53-20-104. Powers and duties of mental disabilities  
16 board of visitors. (1) The board shall be an independent  
17 board of inquiry and review to assure that the treatment of  
18 all persons admitted to a residential facility is humane and  
19 decent and meets the requirements set forth in this part.

20       (2) The board shall review all plans for experimental  
21 research or hazardous treatment procedures involving persons  
22 admitted to any residential facility to assure that the  
23 research project is humane and not unduly hazardous and that  
24 it complies with the principles of the statement on the use  
25 of human subjects for research of the American association

1 on mental deficiency and with the principles for research  
2 involving human subjects required by the United States  
3 department of health, education, and welfare. No  
4 experimental research project involving persons admitted to  
5 any residential facility affected by this part may be  
6 commenced unless it is approved by the mental disabilities  
7 board of visitors.

8       (3) The board shall investigate all cases of alleged  
9 mistreatment of a resident.

10       (4) The board shall at least annually inspect every  
11 residential facility which is providing a course of  
12 residential habilitation and treatment to any person  
13 pursuant to this part. The board shall inspect the physical  
14 plant, including residential, recreational, dining, and  
15 sanitary facilities. It shall visit all wards and treatment  
16 or habilitation areas. The board shall inquire concerning  
17 all habilitation programs being implemented by the  
18 institution.

19       (5) The board shall inspect the file of each person  
20 admitted to a residential facility pursuant to this part to  
21 insure that a habilitation plan exists and is being  
22 implemented. The board shall inquire concerning all use of  
23 restraints, isolation, or other extraordinary measures.

24       (6) The board may assist any resident at a residential  
25 facility in resolving any grievance he may have concerning

1 his admission or his course of treatment and habilitation in  
2 the facility.

3 (7) If the board believes that any facility is failing  
4 to comply with the provisions of this part in regard to its  
5 physical facilities or its treatment of any resident, it  
6 shall report its findings at once to the professional person  
7 in charge of the facility and the director of the department  
8 of institutions. If appropriate, after waiting a reasonable  
9 time for a response from such professional person, the board  
10 may notify the parents or guardian of any resident involved,  
11 the next of kin, if known, the responsible person appointed  
12 by the court for any resident involved, and the district  
13 court which has jurisdiction over the facility.

14 (8) The board shall report annually to the governor and  
15 shall, as provided in [section 1], report to each-session-of  
16 the legislature concerning the status of the residential  
17 facilities and habilitation programs which it has  
18 inspected."

19 **Section 41.** Section 53-21-104, MCA, is amended to read:

20 "53-21-104. Powers and duties of mental disabilities  
21 board of visitors. (1) The board shall be an independent  
22 board of inquiry and review to assure that the treatment of  
23 all persons either voluntarily or involuntarily admitted to  
24 a mental facility is humane and decent and meets the  
25 requirements set forth in this part.

1 (2) The board shall review all plans for experimental  
2 research involving persons admitted to a mental health  
3 facility to assure that the research project is humane and  
4 not unduly hazardous and that it complies with the  
5 principles of the statement on the use of human subjects for  
6 research of the American association on mental deficiency  
7 and with the principles for research involving human  
8 subjects required by the United States department of health,  
9 education, and welfare. No experimental research project  
10 involving persons admitted to a mental health facility  
11 affected by this part may be commenced unless it is approved  
12 by the mental disabilities board of visitors.

13 (3) The board shall at least annually inspect every  
14 mental health facility which is providing treatment and  
15 evaluation to any person pursuant to this part. The board  
16 shall inspect the physical plant, including residential,  
17 recreational, dining, and sanitary facilities. It shall  
18 visit all wards and treatment areas. The board shall inquire  
19 concerning all treatment programs being implemented by the  
20 facility.

21 (4) The board shall annually insure that a treatment  
22 plan exists and is being implemented for each patient  
23 admitted or committed to a mental health facility under this  
24 part. The board shall inquire concerning all use of  
25 restraints, isolation, or other extraordinary measures.

1 (5) The board may assist any patient at a mental health  
2 facility in resolving any grievance he may have concerning  
3 his commitment or his course of treatment in the facility.

4 (6) The board shall employ and be responsible for  
5 full-time legal counsel at the state hospital, whose  
6 responsibility shall be to act on behalf of all patients at  
7 the institution. The board shall insure that there is  
8 sufficient legal staff and facilities to insure availability  
9 to all patients and shall require that the appointed counsel  
10 periodically interview every patient and examine his files  
11 and records. The board may employ additional legal counsel  
12 for representation of patients in a similar manner at any  
13 other mental health facility having inpatient capability.

14 (7) If the board believes that any facility is failing  
15 to comply with the provisions of this part in regard to its  
16 physical facilities or its treatment of any patient, it  
17 shall report its findings at once to the professional person  
18 in charge of the facility and the director of the  
19 department, and if appropriate, after waiting a reasonable  
20 time for a response from such professional person, the board  
21 may notify the next of kin or guardian of any patient  
22 involved, the friend of respondent appointed by the court  
23 for any patient involved, and the district court which has  
24 jurisdiction over the facility.

25 (8) The board shall report annually to the governor and

1 shall, as provided in [section 1], report to ~~each-session-of~~  
2 the legislature concerning the status of the mental health  
3 facilities and treatment programs which it has inspected."

4 **Section 42.** Section 53-24-204, MCA, is amended to read:

5 **\*53-24-204. Powers and duties of department.** (1) To  
6 carry out this chapter, the department may:

7 (a) accept gifts, grants, and donations of money and  
8 property from public and private sources;

9 (b) enter into contracts;

10 (c) acquire and dispose of property.

11 (2) The department shall:

12 (a) approve treatment facilities as provided for in  
13 53-24-208;

14 (b) prepare a comprehensive long-term state chemical  
15 dependency plan every 4 years and update this plan each  
16 biennium. These updates or any part thereof may be included  
17 in the department's report to the legislature required in  
18 53-24-210;

19 (c) provide for and conduct statewide service system  
20 evaluations;

21 (d) distribute state and federal funds to the counties  
22 for approved treatment programs in accordance with the  
23 provisions of 53-24-206;

24 (e) plan in conjunction with approved programs and  
25 provide for training of program personnel delivering

1 services to chemically dependent persons;  
 2 (f) establish criteria to be used for the development  
 3 of new programs;  
 4 (g) certify and establish standards for the  
 5 certification of:  
 6 (i) chemical dependency counselors; and  
 7 (ii) instructors providing chemical dependency  
 8 educational courses;  
 9 (h) encourage planning for the greatest utilization of  
 10 funds by discouraging duplication of services, encouraging  
 11 efficiency of services through existing programs, and  
 12 encouraging rural counties to form multicounty districts or  
 13 contract with urban programs for services;  
 14 (i) cooperate with the board of pardons in establishing  
 15 and conducting programs to provide treatment for chemically  
 16 dependent and intoxicated persons in or on parole from penal  
 17 institutions; and  
 18 (j) establish standards for chemical dependency  
 19 educational courses provided by state-approved treatment  
 20 programs and approve or disapprove the courses."

21 **Section 43.** Section 53-24-210, MCA, is amended to read:  
 22 "53-24-210. Departmental reports to legislature. The  
 23 department shall, as provided in [section 1], report to each  
 24 legislative-session the legislature on the status of the  
 25 implemented chapter. This report or any part thereof may be

1 included as the department's state plan for alcohol abuse  
 2 and chemical dependency."

3 **Section 44.** Section 53-30-133, MCA, is amended to read:  
 4 "53-30-133. Administration of prison industries  
 5 training program. (1) (a) The prison industries training  
 6 program need not be a self-supporting program. The  
 7 department of institutions may enter into contracts and  
 8 establish prices for products or services produced by this  
 9 program. Within budgetary restrictions, the department shall  
 10 establish prices that tend to maximize the amount of work  
 11 available for inmates. All revenue raised through the  
 12 program may be used only for the program.

13 (b) State agencies, local governments, school  
 14 districts, authorities, and other local government entities  
 15 are encouraged to explore the possibilities of using the  
 16 prison industries training program. State agencies shall  
 17 cooperate with the department of institutions in notifying  
 18 governmental entities within the state of the program and of  
 19 the services and products that are available.

20 (2) (a) The department of institutions shall adopt  
 21 rules implementing this program and shall, as provided in  
 22 [section 1], report to the legislature its continuing plans  
 23 and recommendations in implementing this program. Any price  
 24 lists established by the department are exempt from the  
 25 provisions of Title 2, chapter 4 (the Montana Administrative

1 Procedure Act), but the department may, if it considers it  
 2 an effective method of dissemination, publish such price  
 3 lists in the Montana Administrative Register or the  
 4 Administrative Rules of Montana, or both.

5 (b) The department of institutions is subject to  
 6 program audits of the prison industries training program by  
 7 the legislative auditor."

8 **Section 45.** Section 69-1-404, MCA, is amended to read:

9 "69-1-404. Annual review by legislative finance  
 10 committee. (1) The legislative finance committee shall  
 11 annually review the department's budget and the calculations  
 12 made by the department of revenue in the determination of  
 13 the fee pursuant to 69-1-403.

14 (2) The legislative finance committee shall, as  
 15 provided in [section 1], report the results of its review to  
 16 ~~each-regular-session-of~~ the legislature and shall include in  
 17 its report any recommendations concerning the manner of  
 18 funding the department."

19 **Section 46.** Section 72-16-202, MCA, is amended to read:

20 "72-16-202. Report to governor and legislature. The  
 21 department of revenue shall biennially report to the  
 22 governor and, as provided in [section 1], to the legislature  
 23 ~~at-the-opening-of-the-sessions~~ the general result of its  
 24 labors and investigations in inheritance tax matters during  
 25 the previous biennial period, together with specific reports

1 of the several counties where the administration of the  
 2 inheritance tax laws has been lax and unsatisfactory, with  
 3 such recommendations for action ~~thereon~~ by the legislature  
 4 as ~~may--be--deemed~~ the department considers advisable and  
 5 proper."

6 **Section 47.** Section 75-1-203, MCA, is amended to read:

7 "75-1-203. Fee schedule -- ~~maximums~~. (1) In prescribing  
 8 fees to be assessed against applicants for a lease, permit,  
 9 contract, license, or certificate as specified in 75-1-202,  
 10 an agency may adopt a fee schedule which may be adjusted  
 11 depending upon the size and complexity of the proposed  
 12 project. No fee may be assessed unless the application for a  
 13 lease, permit, contract, license, or certificate will result  
 14 in the agency incurring expenses in excess of \$2,500 to  
 15 compile an environmental impact statement.

16 (2) The maximum fee that may be imposed by an agency  
 17 shall not exceed 2% of any estimated cost up to \$1 million,  
 18 plus 1% of any estimated cost over \$1 million and up to \$20  
 19 million, plus 1/2 of 1% of any estimated cost over \$20  
 20 million and up to \$100 million, plus 1/4 of 1% of any  
 21 estimated cost over \$100 million and up to \$300 million,  
 22 plus 1/8 of 1% of any estimated cost in excess of \$300  
 23 million.

24 (3) If an application consists of two or more  
 25 facilities, the filing fee shall be based on the total

1 estimated cost of the combined facilities. The estimated  
2 cost shall be determined by the agency and the applicant at  
3 the time the application is filed.

4 (4) Each agency shall review and revise its rules  
5 imposing fees as authorized by this part at least every 2  
6 years. Furthermore, each agency shall, pursuant to [section  
7 1], provide the legislature with a complete report on the  
8 fees collected prior to the time that a request for an  
9 appropriation is made to the legislature."

10 **Section 48.** Section 75-1-1101, MCA, is amended to read:

11 "75-1-1101. Environmental contingency account  
12 objectives. (1) There is created an environmental  
13 contingency account within the state special revenue fund  
14 established in 17-2-102. The environmental contingency  
15 account is controlled by the governor.

16 (2) At the beginning of each biennium, \$175,000 must be  
17 allocated to the environmental contingency account from the  
18 interest income of the resource indemnity trust fund with  
19 the following exceptions:

20 (a) if at the beginning of any biennium the unobligated  
21 cash balance in the environmental contingency account equals  
22 or exceeds \$750,000, no allocation will be made; and

23 (b) if at the beginning of any biennium the unobligated  
24 cash balance in the environmental contingency account is  
25 less than \$750,000, then an amount less than or equal to the

1 difference between the unobligated cash balance and  
2 \$750,000, but not to exceed \$175,000, must be allocated to  
3 the environmental contingency account from the interest  
4 income of the resource indemnity trust fund.

5 (3) Funds are statutorily appropriated, as provided in  
6 17-7-502, from the environmental contingency account upon  
7 the authorization of the governor to meet unanticipated  
8 public needs consistent with the following objectives:

9 (a) to support water development projects in  
10 communities that face an emergency or imminent need for such  
11 services or to prevent the physical failure of a water  
12 project;

13 (b) to preserve vegetation, water, soil, fish,  
14 wildlife, or other renewable resources from an imminent  
15 physical threat or during an emergency, not including:

16 (i) natural disasters adequately covered by other  
17 funding sources; or

18 (ii) fire;

19 (c) to respond to an emergency or imminent threat to  
20 persons, property, or the environment caused by mineral  
21 development; and

22 (d) to fund the environmental quality protection fund  
23 provided for in 75-10-704 or to take other necessary  
24 actions, including the construction of facilities, to  
25 respond to actual or potential threats to persons, property,



1 or the environment caused by hazardous wastes or other  
2 hazardous materials.

3 (4) Interest from funds in the environmental  
4 contingency account accrues to the resource indemnity trust  
5 interest account.

6 (5) The governor shall, as provided in [section 1],  
7 ~~submit to the legislature at-the-beginning-of--each--regular~~  
8 ~~session~~ a complete financial report on the environmental  
9 contingency account, including a description of all  
10 expenditures made since the preceding report."

11 **Section 49.** Section 75-7-304, MCA, is amended to read:

12 "75-7-304. Duties of the ~~commission~~. Duties of the  
13 commission are:

14 (1) to monitor the existing condition of natural  
15 resources in the basin and coordinate development of an  
16 annual monitoring plan. This plan must involve a cooperative  
17 strategy among all land and water management agencies within  
18 the Flathead basin and identify proposed and needed  
19 monitoring which emphasizes but is not limited to the  
20 aquatic resources of the Flathead basin.

21 (2) to encourage close cooperation and coordination  
22 between federal, state, provincial, tribal, and local  
23 resource managers for establishment of compatible resource  
24 development standards, comprehensive monitoring, and data  
25 collection and interpretation;

1 (3) to encourage and work for international cooperation  
2 and coordination between the state of Montana and the  
3 Province of British Columbia concerning the undertaking of  
4 natural resource monitoring and use of consistent standards  
5 for management of resource development activities throughout  
6 the North Fork Flathead River drainage portion of the  
7 Flathead basin;

8 (4) to encourage economic development and use of the  
9 basin's resources to their fullest extent without  
10 compromising the present high quality of the Flathead  
11 basin's aquatic environment;

12 (5) to, in the discretion of the commission, undertake  
13 investigations of resource utilization and hold public  
14 hearings concerning the condition of Flathead Lake and  
15 Flathead basin;

16 (6) to submit ~~a biennial report~~ to the governor and, as  
17 provided in [section 1], to the appropriate--committees--of  
18 the legislature a biennial report that includes:

19 (a) a summary of information gathered in fulfillment of  
20 its duties under this section;

21 (b) information on monitoring activities within the  
22 Flathead basin concerning the condition of the basin's  
23 natural resources, with particular emphasis on Flathead  
24 Lake;

25 (c) the identification of land use and land development

1 trends in the Flathead basin;

2 (d) any recommendations the commission considers  
3 appropriate for fulfillment of its duties and for continued  
4 preservation of the Flathead basin in the present high  
5 quality of its aquatic resources; and

6 (e) an accounting of all money received and expended,  
7 by source and purpose, for the period since the last report;  
8 and

9 (7) to meet at least semiannually within the Flathead  
10 basin, alternating the meeting site between the cities of  
11 Kalispell and Polson."

12 **Section 50.** Section 75-10-533, MCA, is amended to read:

13 "75-10-533. Department to report fees to legislature.  
14 The department shall, as provided in [section 1], report to  
15 each legislature the amount collected under this part and  
16 61-3-508 and the cost of administration of this part, except  
17 75-10-520, to date so that any necessary adjustment of the  
18 amount of the fee may be made to assure that no more than  
19 the actual cost of operation of the program is collected."

20 **Section 51.** Section 75-10-704, MCA, is amended to read:

21 "75-10-704. Environmental quality protection fund. (1)  
22 There is created in the state special revenue fund an  
23 environmental quality protection fund to be administered as  
24 a revolving fund by the department. The department is  
25 authorized to expend amounts from the fund necessary to

1 carry out the purposes of this part.

2 (2) The fund may be used by the department only to  
3 carry out the provisions of this part and for remedial  
4 actions taken by the department pursuant to this part in  
5 response to a release of hazardous or deleterious  
6 substances.

7 (3) The department shall:

8 (a) establish and implement a system for prioritizing  
9 sites for remedial action based on potential effects on  
10 human health and the environment; and

11 (b) investigate, negotiate, and take legal action, as  
12 appropriate, to identify responsible parties, to obtain the  
13 participation and financial contribution of responsible  
14 parties for the remedial action, to achieve remedial action,  
15 and to recover costs and damages incurred by the state.

16 (4) There must be deposited in the fund:

17 (a) all penalties, natural resource damages, and  
18 remedial action costs recovered pursuant to 75-10-715;

19 (b) all administrative penalties assessed pursuant to  
20 75-10-714 and all civil penalties assessed pursuant to  
21 75-10-711(5);

22 (c) funds appropriated to the fund by the legislature;  
23 and

24 (d) funds received from the interest income of the  
25 resource indemnity trust fund pursuant to 15-38-202.

1 (5) Whenever a legislative appropriation is  
 2 insufficient to carry out the provisions of this part and  
 3 additional money remains in the fund, the department shall  
 4 seek additional authority to spend money from the fund  
 5 through the budget amendment process provided for in Title  
 6 17, chapter 7, part 4.

7 (6) Whenever the amount of money in the fund is  
 8 insufficient to carry out remedial action, the department  
 9 may apply to the governor for a grant from the environmental  
 10 contingency account established pursuant to 75-1-1101.

11 (7) The department shall, as provided in [section 1],  
 12 submit to the legislature ~~at the beginning of each regular~~  
 13 ~~session~~ a complete financial report on the fund, including a  
 14 description of all expenditures made since the preceding  
 15 report."

16 **Section 52.** Section 76-11-203, MCA, is amended to read:

17 "76-11-203. Direction to state agencies. (1) The  
 18 department of natural resources and conservation shall  
 19 develop a plan for completing the soil survey and mapping  
 20 program in cooperation with and according to the standards  
 21 set forth by the national cooperative soil survey program  
 22 and the Montana state agricultural experiment station.

23 (2) The soil survey plan shall identify all projected  
 24 local participation, all funds available from state and  
 25 federal agencies, including planning grants, and any and all

1 additional equipment, personnel, facilities, supplies, maps  
 2 and such other material necessary to complete the soil  
 3 survey and mapping program.

4 (3) The soil survey plan shall determine geographic  
 5 areas without modern soil survey information and shall  
 6 establish in cooperation with the national cooperative soil  
 7 survey program priorities for completing soil surveys based  
 8 upon the needs of the geographic areas.

9 (4) The department of natural resources and  
 10 conservation shall oversee the plan for completing the soil  
 11 survey and mapping program and shall report annually on its  
 12 progress to the governor ~~and--legislature~~ not later than  
 13 January 1 of each year, ~~beginning in 1981~~ and, as provided  
 14 in [section 1], to the legislature."

15 **Section 53.** Section 76-12-109, MCA, is amended to read:

16 "76-12-109. Report to legislature. The board shall, as  
 17 provided in [section 1], submit to each legislature ~~an~~  
 18 ~~annual~~ a report on its designation and acquisition  
 19 activities."

20 **Section 54.** Section 80-7-713, MCA, is amended to read:

21 "80-7-713. Reports. The department may prepare a  
 22 biennial report on the status of noxious plants and their  
 23 management in Montana. Reports may be submitted to the  
 24 governor ~~and, to the legislature~~ as provided in [section 1],  
 25 and to other such groups and organizations as the department

1 considers necessary."

2 **Section 55.** Section 80-12-402, MCA, is amended to read:

3 **"80-12-402. Report.** The department shall transmit to  
4 the governor at least 30 days before each regular  
5 legislative session and, as provided in [section 1], to each  
6 ~~member of the legislature at least 30 days before each~~  
7 ~~regular legislative session~~ a report:

8 (1) detailing the operations of the agricultural loan  
9 authority program since the adjournment of the last  
10 legislature; and

11 (2) containing a financial statement showing the  
12 program's assets and liabilities."

13 **Section 56.** Section 82-11-161, MCA, is amended to read:

14 **"82-11-161. Oil and gas production damage mitigation**  
15 **account -- statutory appropriation.** (1) There is an oil and  
16 gas production damage mitigation account within the state  
17 special revenue fund established in 17-2-102. The oil and  
18 gas production damage mitigation account is controlled by  
19 the board.

20 (2) On July 1, 1991, and at the beginning of each  
21 succeeding biennium, there must be allocated to the oil and  
22 gas production damage mitigation account \$50,000 from the  
23 interest income of the resource indemnity trust fund, except  
24 if at the beginning of a biennium the unobligated cash  
25 balance in the oil and gas production damage mitigation

1 account:

2 (a) equals or exceeds \$200,000, no allocation will be  
3 made; or

4 (b) is less than \$200,000, then an amount less than or  
5 equal to the difference between the unobligated cash balance  
6 and \$200,000, but not more than \$50,000, must be allocated  
7 to the oil and gas production damage mitigation account from  
8 the interest income of the resource indemnity trust fund.

9 (3) In addition to the allocation provided in  
10 subsection (2), there must be deposited in the oil and gas  
11 production damage mitigation account:

12 (a) all funds received by the board pursuant to  
13 82-11-136; and

14 (b) all fees received by the board from owners of  
15 producing wells pursuant to 82-11-162.

16 (4) If a sufficient balance exists in the account,  
17 funds are statutorily appropriated, as provided in 17-7-502,  
18 from the oil and gas production damage mitigation account,  
19 upon the authorization of the board, to pay the reasonable  
20 costs of properly plugging a well if the board determines  
21 that the well, sump, or hole has been abandoned and the  
22 responsible person cannot be identified or located or the  
23 responsible person does not have sufficient funds to pay the  
24 costs. The responsible person shall, however, pay costs to  
25 the extent of his available resources and is subsequently

1 liable to fully reimburse the account or is subject to a  
2 lien on property as provided in 82-11-164 for costs expended  
3 from the account to properly plug the well and to mitigate  
4 any damage caused by the well.

5 (5) Interest from funds in the oil and gas production  
6 damage mitigation account accrues to that account.

7 (6) The board shall, as provided in [section 1], submit  
8 to the legislature ~~at-the-beginning-of-each-regular--session~~  
9 a complete financial report on the oil and gas production  
10 damage mitigation account, including a description of all  
11 expenditures made since the preceding report."

12 **Section 57.** Section 85-1-407, MCA, is amended to read:

13 "85-1-407. Writeoff accounts receivable. Upon  
14 abandonment or disposition of the project, the department  
15 shall cancel and write off accounts receivable carried on  
16 the books of the department. The department shall establish  
17 procedures for canceling and writing off accounts  
18 receivable ~~and the.~~ The procedures shall must include the  
19 reporting, as provided in [section 1], of the canceling and  
20 writing off of the accounts receivable to the next session  
21 of the legislature."

22 **Section 58.** Section 85-1-621, MCA, is amended to read:

23 "85-1-621. Report to the legislature. The department  
24 shall prepare a biennial report to the legislature  
25 describing the status of the water development program. The

1 report must describe ongoing projects and activities and  
2 those which have been completed during the biennium. The  
3 report must identify and rank in order of priority the  
4 projects for which the department desires to seek  
5 congressional authorization and funding and the efforts the  
6 department will undertake in attempting to secure such  
7 authorization and funding. The report must also describe  
8 proposed projects and activities for the coming biennium and  
9 recommendations for necessary appropriations. A copy of the  
10 report shall be submitted to the president of the senate and  
11 the speaker of the house, to the members of the water policy  
12 committee established in 85-2-105, and, as provided in  
13 [section 1], to ~~such-other-members-of~~ the legislature ~~as-may~~  
14 ~~request-a-copy.~~"

15 **Section 59.** Section 85-2-105, MCA, is amended to read:

16 "85-2-105. Water policy committee. (1) There is a  
17 permanent water policy committee of the legislature. The  
18 committee consists of eight members. The senate committee on  
19 committees and the speaker of the house of representatives  
20 shall each appoint four members on a bipartisan basis. The  
21 committee shall elect its chairman and vice-chairman. The  
22 committee shall meet as often as necessary, including during  
23 the interim between sessions, to perform the duties  
24 specified within this section.

25 (2) On a continuing basis, the committee shall:

1 (a) advise the legislature on the adequacy of the  
 2 state's water policy and of important state, regional,  
 3 national, and international developments which affect  
 4 Montana's water resources;

5 (b) oversee the policies and activities of the  
 6 department of natural resources and conservation, other  
 7 state executive agencies, and other state institutions, as  
 8 they affect the water resources of the state; and

9 (c) communicate with the public on matters of water  
 10 policy as well as the water resources of the state.

11 (3) On a regular basis, the committee shall:

12 (a) analyze and comment on the state water plan  
 13 required by 85-1-203, when filed by the department;

14 (b) analyze and comment on the report of the status of  
 15 the state's water development program required by 85-1-621,  
 16 when filed by the department;

17 (c) analyze and comment on water-related research  
 18 undertaken by any state agency, institution, college, or  
 19 university;

20 (d) analyze, verify, and comment on the adequacy of and  
 21 information contained in the water resources data management  
 22 system maintained by the department under 85-2-112; and

23 (e) report to the legislature ~~not less than once every~~  
 24 biennium as provided in [section 1].

25 (4) The environmental quality council shall provide

1 staff assistance to the committee. The committee may  
 2 contract with experts and consultants, in addition to  
 3 receiving assistance from the environmental quality council,  
 4 in carrying out its duties under this section."

5 **Section 60.** Section 87-2-724, MCA, is amended to read:

6 **"87-2-724. Auction of Shiras moose license.** (1) The  
 7 commission may issue one male Shiras moose license each year  
 8 through a competitive auction. The commission shall  
 9 promulgate rules for the use of the license and conduct of  
 10 the auction. A wildlife conservation organization involved  
 11 in the conservation of moose may be authorized by the  
 12 commission to conduct the license auction, in which case the  
 13 authorized organization may retain up to 10% of the proceeds  
 14 of the sale to cover reasonable auction expenses.

15 (2) All proceeds remaining from the auction, whether  
 16 conducted by the commission or as otherwise authorized by  
 17 the commission, must be used by the department for the  
 18 substantial benefit of moose. The proceeds from the auction  
 19 must be used in addition to any other funds the department  
 20 uses for the management of moose. The department shall, as  
 21 provided in [section 1], report to each legislature  
 22 concerning the use or investment of auction proceeds."

23 **Section 61.** Section 87-5-123, MCA, is amended to read:

24 **"87-5-123. Report.** The department shall, as provided in  
 25 [section 1], report to each legislature the results of any

1 program using money from the nongame wildlife account and  
2 shall list in detail how the money collected was used."

3 **Section 62.** Section 90-3-203, MCA, is amended to read:

4 "90-3-203. Powers and duties of board. The board shall:

5 (1) make loans in science and technology development  
6 projects pursuant to the provisions of this act in the  
7 following areas that have potential to stimulate economic  
8 development in Montana:

9 (a) research capability development;

10 (b) applied technology research;

11 (c) technology transfer and assistance; and

12 (d) startup capital or expansion capital projects for  
13 development and commercialization of innovative products and  
14 processes;

15 (2) accept grants or receive devises of money or  
16 property to be used in Montana for loans made pursuant to  
17 this chapter; and

18 (3) submit to the governor by January 1 of each  
19 odd-numbered year or at his request and, as provided in  
20 [section 1], to the legislature a report describing the  
21 board's programs and accomplishments by-January-1-of-each  
22 odd-numbered-year-or-at-the-request-of-the-governor."

23 **Section 63.** Section 90-4-111, MCA, is amended to read:

24 "90-4-111. Biennial report. The department shall  
25 monitor the grants awarded under 90-4-106 and 90-4-109 and

1 shall, as provided in [section 1], report its expenditures  
2 and other information concerning the implementation and  
3 effectiveness of specific projects or programs for which  
4 grants were awarded under this part to the legislature at  
5 the-beginning-of-each-regular-legislative-session."

6 **NEW SECTION. Section 64.** Codification instruction.

7 [Section 1] is intended to be codified as an integral part  
8 of Title 5, chapter 11, and the provisions of Title 5,  
9 chapter 11, apply to [section 1].

10 **NEW SECTION. SECTION 65.** EFFECTIVE DATE. [THIS ACT] IS  
11 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-