

1 HOUSE BILL NO. 562

2 INTRODUCED BY J. DARLING, C. SPRUNGER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN AGENCY REPORTS; AMENDING
5 SECTIONS 17-1-102, 37-1-107, 39-51-706, 53-6-116, 85-1-203, 85-1-501, 87-2-702, AND 90-1-182, MCA;
6 AND REPEALING SECTION 5-12-208, MCA."
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9

10 **Section 1.** Section 17-1-102, MCA, is amended to read:

11 **"17-1-102. Uniform accounting system and expenditure control.** (1) The department shall
12 establish a system of financial control so that the functioning of the various agencies of the state may be
13 improved, duplications of work by different state agencies and employees may be eliminated, public service
14 may be improved, and the cost of government may be reduced.

15 (2) The department shall prescribe and install a uniform accounting and reporting system for all
16 state agencies and institutions, reporting the receipt, use, and disposition of all public money and property in
17 accordance with generally accepted accounting principles.

18 (3) The uniform accounting and reporting system must contain three levels of expenditure. The first
19 level must include general categories, such as personal services, operating expenses, equipment, capital
20 outlay, local assistance, grants, benefits and claims, transfers, and debt service. The second level of
21 expenditure must include specific categories of expenditures within each first-level category. The third level of
22 expenditure must include specific items of expenditure within each category of the second level.

23 (4) (a) Except as provided in subsection (4)(b), all state agencies, including units of the university
24 system but excluding community colleges, shall input all necessary transactions to the accounting system
25 prescribed in subsection (2) before the accounts are closed at the end of the fiscal year in order to present the
26 receipt, use, and disposition of all money and property for which the agency is accountable in accordance with
27 generally accepted accounting principles, except that for budgetary control purposes, encumbrances that are
28 required by generally accepted accounting principles to be reported as a reservation of fund balance must be

1 recorded as expenditures and liabilities on the accounting records in accordance with the following
2 requirements:

3 (i) Goods and services, grants, and local assistance that are paid for with the general fund, in
4 whole or in part, may be encumbered. The general fund encumbrances must be reviewed by the department,
5 and a specific extension plan must be presented by the encumbering agency to the department prior to the
6 fiscal yearend. If a valid extension plan is not received and approved, the department shall delete the
7 encumbrance at fiscal yearend. ~~The department shall present a fiscal yearend report to the office of budget and
8 program planning and to the legislative fiscal analyst on each general fund encumbrance remaining at fiscal
9 yearend. The report must be provided in an electronic format. The department shall provide a copy of the fiscal
10 yearend report to the legislature in accordance with 5-11-210.~~

11 (ii) Nongeneral fund encumbrances also require a valid extension plan approved by the
12 department at the end of each fiscal year. ~~After 3 years, approved extensions must be included by the
13 department in its fiscal yearend report to the office of budget and program planning and to the legislative
14 finance committee.~~

15 (b) The state fund provided for in Title 39, chapter 71, part 23, shall report on a calendar year
16 basis."
17

18 **Section 2.** Section 37-1-107, MCA, is amended to read:

19 **"37-1-107. Joint meetings -- department duties.** (1) The department shall convene a joint meeting
20 once every 2 years of two or more boards that:

- 21 (a) have licensees with dual licensure in related professions or occupations;
22 (b) have licensees licensed by another board in a related profession or with similar scopes of
23 practice, including but not limited to:
24 (i) health care boards;
25 (ii) mental health care boards;
26 (iii) design boards;
27 (iv) therapeutic boards; or
28 (v) technical boards; or

1 (c) have issues of joint concern or related jurisdiction with each other.

2 (2) A quorum is not required for the joint meeting. However, one member from each board shall
3 attend.

4 ~~(3) The department shall report to the economic affairs interim committee in accordance with 5-11-~~
5 ~~210 with regard to attendance and issues of concern addressed by the boards."~~

6

7 **Section 3.** Section 39-51-706, MCA, is amended to read:

8 **"39-51-706. Department duties -- integrity data hub -- review of information --reporting to**
9 **legislature.** The department of labor and industry shall:

10 (1) engage with and utilize a commercially available database to verify the integrity of the state's
11 unemployment insurance rolls;

12 (2) on a weekly basis, check the unemployment insurance rolls against the department of
13 corrections list of incarcerated individuals to verify eligibility and ensure program integrity;

14 (3) on a weekly basis, check the unemployment insurance rolls against the national directory of
15 new hires to verify eligibility;

16 (4) have the authority to execute a memorandum of understanding with any department, agency,
17 or division for information required to be shared between agencies as outlined in this part; and

18 (5) if it receives information concerning an individual receiving unemployment insurance benefits
19 that indicates a change in circumstances that may affect eligibility, review the individual's case; and

20 ~~(6) report to the economic affairs interim committee in accordance with 5-11-210 relating to the~~
21 ~~administration of this part."~~

22

23 **Section 4.** Section 53-6-116, MCA, is amended to read:

24 **"53-6-116. Medicaid managed care -- capitated health care.** (1) The department of public health
25 and human services, in its discretion, may develop managed care and capitated health care systems for
26 medicaid recipients.

27 (2) The department may contract with one or more persons for the management of comprehensive
28 physical health services and the management of comprehensive mental health services for medicaid recipients.

1 The department may contract for the provision of these services by means of a fixed monetary or capitated
2 amount for each recipient.

3 (3) A managed care system is a program organized to serve the medical needs of medicaid
4 recipients in an efficient and cost-effective manner by managing the receipt of medical services for a
5 geographical or otherwise defined population of recipients through appropriate health care professionals.

6 (4) The provision of medicaid services through managed care and capitated health care systems is
7 not subject to the limitations provided in 53-6-104. The managed care or capitated health care system that is
8 provided to a defined population of recipients may be based on one or more of the medical assistance services
9 provided for in 53-6-101.

10 (5) The proposed systems, referred to in subsection (1), must be submitted to the legislative
11 finance committee. The legislative finance committee shall review the proposed systems at its next regularly
12 scheduled meeting and shall provide any comments concerning the proposed systems to the department. The
13 department shall provide a copy of any reports made to the legislative finance committee concerning the
14 proposed systems to the legislature in accordance with 5-11-210.

15 (6) A managed care or capitated health care system, except for a primary care case management
16 service, that requires for implementation a waiver from the centers for medicare and medicaid is subject to the
17 provisions of Title 53, chapter 6, part 7."

18

19 **Section 5.** Section 85-1-203, MCA, is amended to read:

20 **"85-1-203. State water plan.** (1) The department shall gather from any source reliable information
21 relating to Montana's water resources and prepare from that information a continuing comprehensive inventory
22 of the water resources of the state. In preparing this inventory, the department may:

23 (a) conduct studies;

24 (b) adopt studies made by other competent water resource groups, including federal, regional,
25 state, or private agencies;

26 (c) perform research or employ other competent agencies to perform research on a contract basis;
27 and

28 (d) hold public hearings in affected areas at which all interested parties must be given an

1 opportunity to appear.

2 (2) The department shall formulate and adopt and amend, extend, or add to a comprehensive,
3 coordinated multiple-use water resources plan known as the "state water plan". The state water plan may be
4 formulated and adopted in sections, with some of these sections corresponding with hydrologic divisions of the
5 state. The state water plan must set out a progressive program for the conservation, development, utilization,
6 and sustainability of the state's water resources and must propose the most effective means by which these
7 water resources may be applied for the benefit of the people, with due consideration of alternative uses and
8 combinations of uses.

9 (3) Sections of the state water plan must be completed for the Missouri River basin, the
10 Yellowstone River basin, and the Clark Fork and Kootenai River basins, be submitted to the 2035 legislature,
11 and be updated at least every 20 years. These basinwide plans must include:

- 12 (a) an inventory of consumptive and nonconsumptive uses associated with existing water rights;
13 (b) identified data gaps;
14 (c) an estimate of the amount of surface and ground water needed to satisfy new future demands;
15 (d) analysis of the effects of frequent drought and of new or increased depletions on the availability
16 of future water supplies;
17 (e) proposals for the best means to satisfy existing water rights and new water demands, such as
18 an evaluation of opportunities for storage of water by both private and public entities;
19 (f) possible sources of water to meet the needs of the state; and
20 (g) any legislation necessary to address water resource concerns in these basins.

21 (4) (a) The department shall create a basin advisory council in the Missouri River basin, in the
22 Yellowstone River basin, and in the Clark Fork and Kootenai River basins that is inclusive and representative of
23 all water interests and interests in those basins.

24 (b) The basin advisory councils must consist of key water interests within the basins, including, on
25 recommendation from relevant water user interest groups, at least one representative each from the following
26 groups or organizations:

- 27 (i) agricultural;
28 (ii) conservation;

1 (iii) industrial;

2 (iv) irrigation;

3 (v) municipal;

4 (vi) recreational;

5 (vii) tribal;

6 (viii) watershed; and

7 (ix) conservation districts.

8 (c) Each basin advisory council may have up to 20 members.

9 (d) Each basin advisory council shall make recommendations to the department on the basinwide
10 plans required by subsection (3).

11 (e) The department may use existing basin councils as a basin advisory council if the composition
12 and purpose of the existing basin council is consistent with this subsection (4).

13 (5) Before adopting the entire state water plan or any section of the plan, the department shall hold
14 public hearings across the state, or in an area of the state encompassed by a section of the plan if adoption of a
15 section is proposed. Notice of the hearing or hearings must be published for 2 consecutive weeks in a
16 newspaper of general circulation published in each county encompassed by the proposed plan or section of the
17 plan at least 30 days prior to the hearing.

18 ~~(6) The department shall submit to the water policy interim committee and to the legislature in~~
19 ~~accordance with 5-11-210 the state water plan or any section of the plan or amendments, additions, or~~
20 ~~revisions to the plan that the department has formulated and adopted.~~

21 ~~(7)~~(6) The legislature, by joint resolution, may revise the state water plan.

22 ~~(8)~~(7) The department shall prepare a continuing inventory of the ground water resources of the
23 state. The ground water inventory must be included in the comprehensive water resources inventory described
24 in subsection (1) but must be a separate component of the inventory.

25 ~~(9)~~(8) The department shall publish the comprehensive inventory, the state water plan, the ground
26 water inventory, or any part of each, and the department may assess and collect a reasonable charge for these
27 publications.

28 ~~(40)~~(9) In developing and revising the state water plan as provided in this section, the department shall

1 consult with the water policy committee established in 5-5-231 and solicit the advice of the water policy
2 committee in carrying out its duties under this section."

3
4 **Section 6.** Section 85-1-501, MCA, is amended to read:

5 **"85-1-501. Survey of power generation capacity.** ~~(1)~~ The department shall study the economic and
6 environmental feasibility of constructing and operating a small-scale hydroelectric power generating facility on
7 each of the water projects under its control and shall periodically update those studies as the cost of the
8 electrical energy increases. In determining whether small-scale hydroelectric generation may be economically
9 feasible on a particular project, the department shall consider:

10 ~~(a)~~(1) the estimated cost of construction of a facility;

11 ~~(b)~~(2) the estimated cost of maintaining, repairing, and operating the facility;

12 ~~(c)~~(3) the estimated cost of tying into an existing power distribution channel;

13 ~~(d)~~(4) the ability of public utilities or rural electric cooperatives to lease and operate such a facility;

14 ~~(e)~~(5) the debt burden to be serviced;

15 ~~(f)~~(6) the revenue expected to be derived;

16 ~~(g)~~(7) the likelihood of a reasonable rate of return on the investment; and

17 ~~(h)~~(8) the potential impacts on water supply and streamflows.

18 ~~(2) — The department shall update the energy and telecommunications interim committee and the~~
19 ~~water policy interim committee in accordance with 5-11-210 on all past and current studies conducted pursuant~~
20 ~~to this section."~~

21
22 **Section 7.** Section 87-2-702, MCA, is amended to read:

23 **"87-2-702. Restrictions on special licenses -- availability of bear and mountain lion licenses.** (1)
24 A person who has killed or taken any game animal, except a deer, an elk, or an antelope, during the current
25 license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal
26 of the same species.

27 (2) The commission may require applicants for special permits authorized by this chapter to obtain
28 a valid big game license for that species for the current year prior to applying for a special permit.

(3) Except as provided in 87-2-815, a person may take only one grizzly bear in Montana with a license authorized by 87-2-701.

(4) (a) Except as provided in 87-1-271(2), 87-1-275, and 87-2-815, a person who receives a moose, mountain goat, or limited mountain sheep license, as authorized by 87-2-701, with the exception of an antlerless moose or an adult ewe game management license issued under 87-2-104, is not eligible to receive another special license for that species for the next 7 years. For the purposes of this subsection (4)(a), "limited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is restricted.

(b) (i) Except as provided in 87-1-271(2) and 87-2-815, a person who takes a legal ram mountain sheep with at least one horn that is equal to or greater than a three-fourths curl using an unlimited mountain sheep license or a population management license issued pursuant to 87-2-701 is not eligible to receive another special license for that species for the next 7 years. For the purposes of this subsection (4)(b)(i), "unlimited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is not restricted.

~~[(ii) — The department shall biennially report to the environmental quality council in accordance with 5-11-210 information on:~~

~~(A) — mountain sheep harvested pursuant to this subsection (4) from the Tendoy Mountain herd;~~

~~(B) — efforts to collect tissue samples and other biological information from mountain sheep harvested from the Tendoy Mountain herd to determine the immunity of surviving herd members to pneumonia outbreaks; and~~

~~(C) — attempts by the department to share tissue samples and other biological information collected from the Tendoy Mountain herd with Washington State University, other public entities, and private entities that research the interaction between mountain sheep and domestic sheep.]~~

(5) An application for a wild buffalo or bison license must be made on the same form and is subject to the same license application deadline as the special license for moose, mountain goat, and mountain sheep. (Bracketed language in subsection (4)(b) terminates July 1, 2027—sec. 3, Ch. 186, L. 2017.)"

Section 8. Section 90-1-182, MCA, is amended to read:

1 **"90-1-182. State assistance to local governments in review of and comment on federal land**

2 **management proposals -- rulemaking.** (1) In carrying out the provisions of 90-1-181, the department of
3 commerce may conduct on behalf of local governments a socioeconomic impact review and analysis of
4 significant federal land management proposals. The department of commerce may use the review and analysis
5 to comment in a timely manner on the federal proposals regarding projected impacts on local government.

6 (2) The department of commerce may:

7 (a) establish a minimal procedure for local governments to request from the department a review
8 and analysis of significant federal land management proposals that may have a direct socioeconomic impact on
9 the community for which the local government has requested the review. The request must include sufficient
10 details about the federal land management proposal for the department of commerce to determine a deadline
11 by which the review must be conducted.

12 (b) contract with a unit of the Montana university system experienced in technical, doctorate-level
13 analysis of the socioeconomic impacts of federal land management proposals to provide an independent
14 economic analysis of the federal proposals; and

15 (c) advocate on behalf of the local government before the agency issuing the federal land
16 management proposals, using the reports generated under this subsection (2); and

17 ~~(d) report to the local government interim committee in accordance with 5-11-210, in any year in~~
18 ~~which there is a request, the number of requests, the types of requests, and the number of responses handled.~~
19 ~~The department shall post the information under this subsection (2)(d) on its website when a request has been~~
20 ~~made along with a summary of each requested analysis.~~

21 (3) The department of commerce may adopt rules to implement this section."
22

23 **NEW SECTION. Section 9. Repealer.** The following section of the Montana Code Annotated is
24 repealed:

25 5-12-208. Grant information to be provided to legislative finance committee -- internet link required.

26 - END -