

SENATE BILL NO. 553

INTRODUCED BY D. ZOLNIKOV

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

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

~~NEW SECTION. SECTION 1. KRATOM TEA HOUSES. A FOOD SERVICE ESTABLISHMENT UNDER TITLE 50, CHAPTER 31, INCLUDING BUT NOT LIMITED TO KRATOM TEA HOUSES, MAY PREPARE AND SERVE FRESH KRATOM PRODUCTS, INCLUDING TEA, FOR CONSUMPTION ON PREMISE.~~

NEW SECTION. SECTION 1. RESIDENTIAL DEVELOPMENT INFRASTRUCTURE -- RULEMAKING. (1) IF A LOCAL GOVERNMENT REQUIRES A RESIDENTIAL DEVELOPMENT SUBDIVIDER TO PAY OR GUARANTEE PAYMENT FOR PART OR ALL OF THE COSTS OF EXTENDING OR ENHANCING CAPITAL FACILITIES PURSUANT TO 76-3-510, THE LOCAL GOVERNMENT MAY ENACT A RULE OR REGULATION THAT PROVIDES FOR AN EQUAL SHARE OF THE COSTS ASSOCIATED WITH EXTENDING OR ENHANCING THOSE CAPITAL FACILITIES WHEN A SUBSEQUENT DEVELOPMENT ALSO BENEFITS FROM THE EXPANSION OR ENHANCEMENT OF THOSE CAPITAL FACILITIES.

(2) THE DEPARTMENT OF TRANSPORTATION MAY ESTABLISH RULES THAT LOCALLY APPROVED AND

PLATTED RESIDENTIAL DEVELOPMENTS MAY BE ALLOCATED A FUTURE COST SHARE OF PRESENT-DAY INTERSECTION OR OTHER IMPROVEMENTS TO REDUCE THE UNDUE HARDSHIP AND ASSOCIATED COST BARRIERS FOR RESIDENTIAL DEVELOPMENTS TO MOVE FORWARD. THIS ANALYSIS SHOULD ALSO RECOGNIZE NORMAL INCREASES IN TRAFFIC IMPACTS BEYOND THAT WHICH IS OR CAN BE ATTRIBUTABLE TO ONE OR MORE DEVELOPMENTS.

NEW SECTION. Section 2. Termination of travel credit prohibited -- fee limitation -- redemption

~~-- airline fee -- reporting requirement.~~ (1) A travel credit is valid until redemption and does not terminate. A travel credit is considered trust property of the possessor if the issuer or seller of the travel credit declares bankruptcy after issuing or selling the travel credit.

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

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

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

~~(5) (a) A fee of \$1 must be added to any airline ticket purchased for travel to or from this state. Revenue collected from the fee must be deposited in an account in the enterprise fund type to the credit of the department of justice for the purposes of combating human trafficking.~~

~~(b) The department of justice shall report on spending from the fund, in accordance with 5-11-210, at the third-quarter interim budget committee hearing in the even-numbered year of each biennium.~~

SECTION 3. SECTION 5-5-202, MCA, IS AMENDED TO READ:

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

committee, and local government committee are provided for in the statutes governing those committees.

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

(a) economic affairs committee;

(b) education committee;

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

(d) law and justice committee;

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

(f) revenue committee;

(g) state administration and veterans' affairs committee;

(h) transportation committee; and

(i) water policy committee.

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

(4) If there is a dispute between committees as to which committee has proper jurisdiction over a subject, the legislative council shall determine the most appropriate committee and assign the subject to that committee. If there is an entity that is attached to an agency for administrative purposes under the jurisdiction of an interim committee and another interim committee has a justification to seek jurisdiction and petitions the legislative council, the legislative council may assign that entity to the interim committee seeking jurisdiction unless otherwise provided by law."

SECTION 4. SECTION 5-5-230, MCA, IS AMENDED TO READ:

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

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2 **SECTION 5.** SECTION 5-11-222, MCA, IS AMENDED TO READ:

3 **"5-11-222. Reports to legislature.** (1) (a) Except as provided in subsections (1)(b) and (5), a report

4 to the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or

5 before September 1 of each year preceding the convening of a regular session of the legislature.

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

7 requirement in subsection (1)(a).

8 (2) Reports to the legislature include:

9 (a) annual reports on the unified investment program for public funds and public retirement

10 systems and state compensation insurance fund assets audits from the board of investments in accordance

11 with Article VIII, section 13, of the Montana constitution;

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

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

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

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

16 410;

17 (f) the annual performance report of each department to the appropriate interim budget committee

18 and legislative policy interim committee in accordance with 2-12-105;

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

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

21 (i) policies related to children and families from the interagency coordinating council for state

22 prevention in accordance with 2-15-225;

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

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

25 in accordance with 2-15-3113;

26 (l) the allocation of space report from the department of administration required in accordance

27 with 2-17-101;

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

- (n) state strategic information technology plan exceptions, if granted, from the department of administration in accordance with 2-17-515;
- (o) the state strategic information technology plan and biennial report from the department of administration in accordance with 2-17-521 and 2-17-522;
- (p) reports from standing, interim, and administrative committees, if prepared, in accordance with 2-17-825 and 5-5-216;
- (q) statistical and other data related to business transacted by the courts from the court administrator, if requested, in accordance with 3-1-702;
- (r) the judicial standards commission report in accordance with 3-1-1126;
- (s) an annual report on the actual cost of legislation that had a projected fiscal impact from the office of budget and program planning in accordance with 5-4-208;
- (t) a link to annual state agency reports on grants awarded in the previous fiscal year established by the legislative finance committee in accordance with 5-12-208;
- (u) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in accordance with 5-12-302(4);
- (v) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may impair the independence of the legislative audit division in accordance with 5-13-305;
- (w) if a waste of state resources occurs, a report from the legislative state auditor, in accordance with 5-13-311;
- (x) school funding commission reports each fifth interim in accordance with 5-20-301;
- (y) a report of political committee operations conducted on state-owned property, if required, from a political committee to the legislative services division in accordance with 13-37-404;
- (z) a report concerning taxable value from the department of revenue in accordance with 15-1-205;
- (aa) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;
- (bb) semiannual reports on the Montana heritage preservation and development account from the Montana heritage preservation and development commission in accordance with 15-65-121;
- (cc) general marijuana regulation reports and medical marijuana registry reports from the

department of revenue in accordance with 16-12-110;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 7-904;
2 (rr) status changes for at-risk students from the office of public instruction in accordance with 20-9-
3 328;
4 (ss) status changes for American Indian students from the office of public instruction in accordance
5 with 20-9-330;
6 (tt) reports regarding the Montana Indian language preservation program from the office of public
7 instruction in accordance with 20-9-537;
8 (uu) proposals for funding community colleges from the board of regents in accordance with 20-15-
9 309;
10 (vv) expenditures and activities of the Montana agricultural experiment station and extension
11 service, as requested, in accordance with 20-25-236;
12 (ww) reports, if requested by the legislature, from the president of each of the units of the higher
13 education system in accordance with 20-25-305;
14 (xx) reports, if prepared by a public postsecondary institution, regarding free expression activities on
15 campus in accordance with 20-25-1506;
16 (yy) reports from the Montana historical society trustees in accordance with 22-3-107;
17 (zz) state lottery reports in accordance with 23-7-202;
18 (aaa) state fund reports, if required, from the commissioner in accordance with 33-1-115;
19 (bbb) reports from the department of labor and industry in accordance with 39-6-101;
20 (ccc) victim unemployment benefits reports from the department of labor and industry in accordance
21 with 39-51-2111;
22 (ddd) state fund business reports in accordance with 39-71-2363;
23 (eee) risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;
24 (fff) child custody reports from the office of the court administrator in accordance with 41-3-1004;
25 (ggg) reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the
26 governor in accordance with 46-23-316;
27 (hhh) annual statewide public defender reports from the office of state public defender in accordance
28 with 47-1-125;

- 1 (iii) a trauma care system report from the department of public health and human services in
2 accordance with 50-6-402;
- 3 (jjj) an annual report on chemical abortion data from the department of public health and human
4 services in accordance with 50-20-709;
- 5 (kkk) Montana criminal justice oversight council reports in accordance with 53-1-216;
- 6 (III) medicaid block grant reports from the department of public health and human services in
7 accordance with 53-1-611;
- 8 (mmm) reports on the approval and implementation status of medicaid section 1115 waivers in
9 accordance with 53-2-215;
- 10 (nnn) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
11 public health and human services in accordance with 53-6-101;
- 12 (ooo) medicaid funding reports from the department of public health and human services in
13 accordance with 53-6-110;
- 14 (ppp) proposals regarding managed care for medicaid recipients, if required, from the department of
15 public health and human services in accordance with 53-6-116;
- 16 (qqq) reports on toxicology and prescription drug registry information from the suicide prevention
17 officer in accordance with 53-21-1101;
- 18 (rrr) suicide reduction plans from the department of public health and human services in
19 accordance with 53-21-1102;
- 20 (sss) annual compliance reports from certifying organizations to the criminal justice oversight council
21 in accordance with 53-24-311;
- 22 (ttt) a compliance and inspection report from the department of corrections in accordance with 53-
23 30-604;
- 24 (uuu) emergency medical services grants from the department of transportation in accordance with
25 61-2-109;
- 26 (vvv) annual financial reports on the environmental contingency account from the department of
27 environmental quality in accordance with 75-1-1101;
- 28 (www) a report from the land board, if prepared, in accordance with 76-12-109;

1 (xxx) an annual state trust land report from the land board in accordance with 77-1-223;
2 (yyy) a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-
3 713;
4 (zzz) state water plans from the department of natural resources and conservation in accordance
5 with 85-1-203;
6 (aaaa) reports on the allocation of renewable resources grants and loans for emergencies, if required,
7 from the department of natural resources and conservation in accordance with 85-1-605;
8 (bbbb) water storage projects from the governor's office in accordance with 85-1-704;
9 (cccc) upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-
10 338;
11 (dddd) upland game bird enhancement program reports in accordance with 87-1-250;
12 (eeee) private land/public wildlife advisory committee reports in accordance with 87-1-269;
13 (ffff) a future fisheries improvement program report from the department of fish, wildlife, and parks in
14 accordance with 87-1-272;
15 (gggg) license revenue recommendations from the department of fish, wildlife, and parks in
16 accordance with 87-1-629;
17 (hhhh) reports from the department of fish, wildlife, and parks on conservation licenses sold and
18 revenue received in accordance with 87-2-201;
19 (iiii) hydrocarbon and geology investigation reports from the bureau of mines and geology in
20 accordance with 90-2-201;
21 (jjjj) coal ash markets investigation reports from the department of commerce in accordance with
22 90-2-202;
23 (kkkk) an annual report from the pacific northwest electric power and conservation planning council in
24 accordance with 90-4-403;
25 (IIII) community property-assessed capital enhancements program reports from the Montana facility
26 finance authority in accordance with 90-4-1303;
27 (mmmm) veterans' home loan mortgage loan reports from the board of housing in accordance
28 with 90-6-604;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xiii) reports on the status of the crisis intervention team training program from the board of crime

- 1 control in accordance with 44-7-110;
- 2 (xiv) restorative justice grant program status and performance from the board of crime control in
- 3 accordance with 44-7-302;
- 4 (xv) law enforcement agency facial recognition technology use reports from the department of
- 5 justice in accordance with 44-15-111(3);
- 6 (xvi) reports on third-party vendors providing facial recognition services to state agencies reports in
- 7 accordance with 44-15-111(4)(b);
- 8 (xvii) reports on offenders under supervision with new offenses or violations from the department of
- 9 corrections in accordance with 46-23-1016;
- 10 (xviii) supervision responses grid reports from the department of corrections in accordance with 46-
- 11 23-1028;
- 12 (xix) statewide public defender reports and information from the office of state public defender in
- 13 accordance with 47-1-125;
- 14 (xx) every 5 years, a percentage change in public defender funding report from the legislative fiscal
- 15 analyst in accordance with 47-1-125;
- 16 (xxi) every 5 years, statewide public defender reports on the percentage change in funding from the
- 17 office of state public defender in accordance with 47-1-125; and
- 18 (xxii) a report from the quality assurance unit from the department of corrections in accordance with
- 19 53-1-211;
- 20 (b) reports to the state administration and veterans' affairs interim committee, including:
- 21 (i) a report that includes information technology activities and additional information from the
- 22 information technology board in accordance with 2-17-512 and 2-17-513;
- 23 (ii) a report from the capitol complex advisory council in accordance with 2-17-804;
- 24 (iii) a report on the employee incentive award program from the department of administration in
- 25 accordance with 2-18-1103;
- 26 (iv) a board of veterans' affairs report in accordance with 10-2-102;
- 27 (v) a report on the decennial veterans' long-term care needs study from the department of public
- 28 health and human services and the Montana veterans' affairs division in accordance with 10-2-903;

- 1 (vi) a report on grants to the Montana civil air patrol from the department of military affairs in
2 accordance with 10-3-802;
- 3 (vii) annual reports on statewide election security from the secretary of state in accordance with 13-
4 1-205;
- 5 (viii) reports on money received in the special account for implementing the Help America Vote Act
6 from the secretary of state in accordance with 13-1-209;
- 7 (ix) a report regarding the youth voting program, if requested, from the secretary of state in
8 accordance with 13-22-108;
- 9 (x) a report from the commissioner of political practices in accordance with 13-37-120;
- 10 (xi) a report on retirement system trust investments from the board of investments in accordance
11 with 17-6-230;
- 12 (xii) actuarial valuations and other reports from the public employees' retirement board in
13 accordance with 19-2-405 and 19-3-117;
- 14 (xiii) actuarial valuations and other reports from the teachers' retirement board in accordance with
15 19-20-201 and 19-20-216;
- 16 (xiv) a report on the reemployment of retired members of the teachers' retirement system from the
17 teachers' retirement board in accordance with 19-20-732; and
- 18 (xv) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the
19 secretary of state in accordance with 30-9A-527;
- 20 (c) reports to the children, families, health, and human services interim committee, including:
- 21 (i) a report from the department of public health and human services on the programs, grants, and
22 services funded under the healing and ending addiction through recovery and treatment account in 16-12-122;
- 23 (ii) Montana foster youth higher education assistance program grant reports from the
24 commissioner of higher education in accordance with 20-26-633;
- 25 (iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 26 (iv) Montana HELP Act workforce development reports from the department of public health and
27 human services in accordance with 39-12-103;
- 28 (v) reports from the department of public health and human services on the department's efforts

- 1 regarding the volunteer program to support child protective services activities in accordance with 41-3-132;
- 2 (vi) annual reports from the child and family ombudsman in accordance with 41-3-1211;
- 3 (vii) reports on activities and recommendations on child protective services activities, if required,
- 4 from the child and family ombudsman in accordance with 41-3-1215;
- 5 (viii) reports on the out-of-state placement of high-risk children with multiagency service needs from
- 6 the department of public health and human services in accordance with 52-2-311;
- 7 (ix) private alternative adolescent residential and outdoor programs reports from the department of
- 8 public health and human services in accordance with 52-2-803;
- 9 (x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
- 10 public health and human services in accordance with 53-6-101;
- 11 (xi) a report from the department of public health and human services on home and community-
- 12 based services provider information in 53-6-406;
- 13 (xii) a report concerning mental health managed care services, if managed care is in place, from the
- 14 advisory council in accordance with 53-6-710;
- 15 (xiii) quarterly medicaid reports related to expansion from the department of public health and
- 16 human services in accordance with 53-6-1325;
- 17 (xiv) annual Montana developmental center reports from the department of public health and human
- 18 services in accordance with 53-20-225; and
- 19 (xv) annual children's mental health outcomes from the department of public health and human
- 20 services in accordance with 53-21-508;
- 21 (xvi) suicide reduction plans from the department of public health and human services in
- 22 accordance with 53-21-1102;
- 23 (d) reports to the economic affairs interim committee, including:
- 24 (i) the annual state compensation insurance fund budget from the board of directors in
- 25 accordance with 5-5-223 and 39-71-2363;
- 26 (ii) medical marijuana registry reports from the department of revenue in accordance with 16-12-
- 27 110;
- 28 (iii) general marijuana regulation reports from the department of revenue in accordance with 16-12-

- 1 110(3);
- 2 (iv) annual reports on complaints against physicians certifying medical marijuana use from the
- 3 board of medical examiners in accordance with 16-12-110(6);
- 4 (v) an annual report on the administrative rate required from the department of commerce from the
- 5 Montana heritage preservation and development commission in accordance with 22-3-1002;
- 6 (vi) biennial reports from the department of labor and industry on weighing device license fees and
- 7 cost increases in accordance with 30-12-203;
- 8 (vii) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;
- 9 (viii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-
- 10 71-2375;
- 11 (ix) annual reinsurance reports from the Montana reinsurance association board required in
- 12 accordance with 33-22-1308;
- 13 (x) reports from the department of labor and industry concerning board attendance in accordance
- 14 with 37-1-107;
- 15 (xi) annual reports on physician complaints related to medical marijuana from the board of medical
- 16 examiners in accordance with 37-3-203;
- 17 (xii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 18 (xiii) status reports on the special revenue account and fees charged as a funding source from the
- 19 board of funeral service in accordance with 37-19-204;
- 20 (xiv) unemployment insurance program integrity act reports from the department of labor and
- 21 industry in accordance with 39-51-706;
- 22 (xv) law enforcement agency facial recognition technology use reports from the department of
- 23 justice in accordance with 44-15-111(3);
- 24 (xvi) reports on third-party vendors providing facial recognition services to state agencies reports in
- 25 accordance with 44-15-111(4)(b);
- 26 (xvii) status reports on the distressed wood products industry revolving loan program from the
- 27 department of commerce in accordance with 90-1-503;
- 28 (e) reports to the education interim committee, including:

- 1 (i) reemployment of retired teachers, specialists, and administrators reports from the retirement
2 board in accordance with 19-20-732;
- 3 (ii) a report on participation in the interstate compact on educational opportunity for military
4 children in accordance with 20-1-231;
- 5 (iii) grow your own grant program reports from the commissioner of higher education in accordance
6 with 20-4-601;
- 7 (iv) reports on out-of-district attendance from the superintendent of public instruction in accordance
8 with 20-5-324;
- 9 (v) reports from the education and workforce data governing board in accordance with 20-7-138;
- 10 (vi) state-level strengthening career and technical student organizations program reports from the
11 superintendent of public instruction in accordance with 20-7-320;
- 12 (vii) a report from the superintendent of public instruction concerning educational programs for
13 eligible children receiving in-state inpatient treatment of serious emotional disturbances in accordance with 20-
14 7-435;
- 15 (viii) reports from the Montana digital academy governing board in accordance with 20-7-1201;
- 16 (ix) advanced opportunity program reports from the board of public education in accordance with
17 20-7-1506;
- 18 (x) progress on transformational learning plans from the board of public education in accordance
19 with 20-7-1602;
- 20 (xi) reports on early literacy targeted interventions from the superintendent of public instruction in
21 accordance with 20-7-1804;
- 22 (xii) budget amendments, if needed, from school districts in accordance with 20-9-161;
- 23 (xiii) reports regarding the Montana Indian language preservation program from the office of public
24 instruction in accordance with 20-9-537;
- 25 (xiv) annual Montana resident student financial aid program reports from the commissioner of higher
26 education in accordance with 20-26-105;
- 27 (xv) Montana foster youth higher education assistance program grant reports from the
28 commissioner of higher education in accordance with 20-26-633;

- 1 (xvi) a historic preservation office report from the historic preservation officer in accordance with 22-
2 3-423; and
- 3 (xvii) interdisciplinary child information agreement reports from the office of public instruction in
4 accordance with 52-2-211;
- 5 (f) reports to the energy and ~~telecommunications~~ technology interim committee, including:
- 6 (i) the high-performance building report from the department of administration in accordance with
7 17-7-214;
- 8 (ii) an annual report from the consumer counsel in accordance with 69-1-222;
- 9 (iii) annual universal system benefits reports from utilities, electric cooperatives, and the
10 department of revenue in accordance with 69-8-402;
- 11 (iv) small-scale hydroelectric power generation reports from the department of natural resources
12 and conservation in accordance with 85-1-501; and
- 13 (v) geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-
14 1301;
- 15 (g) reports to the revenue interim committee, including:
- 16 (i) use of the qualified endowment tax credit report from the department of revenue in accordance
17 with 15-1-230;
- 18 (ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with
19 15-7-111;
- 20 (iii) information about job growth incentive tax credits from the department of revenue in
21 accordance with 15-30-2361;
- 22 (iv) student scholarship contributions from the department of revenue in accordance with 15-30-
23 3112;
- 24 (v) media production tax credit economic impact reports from the department of commerce in
25 accordance with 15-31-1011; and
- 26 (vi) reports that actual or projected receipts will result in less revenue than estimated from the office
27 of budget and program planning, if necessary, in accordance with 17-7-140;
- 28 (h) reports to the transportation interim committee, including:

- 1 (i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;
- 2 (ii) cooperative agreement negotiations from the department of transportation in accordance with
- 3 15-70-450; and
- 4 (iii) a special fuels inspection report from the department of transportation in accordance with 61-
- 5 10-154;
- 6 (i) reports to the environmental quality council, including:
- 7 (i) compliance and enforcement reports required in accordance with 75-1-314;
- 8 (ii) the state solid waste management and resource recovery plan, every 5 years, from the
- 9 department of environmental quality in accordance with 75-10-111;
- 10 (iii) annual orphan share reports from the department of environmental quality in accordance with
- 11 75-10-743;
- 12 (iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;
- 13 (v) annual subdivision sanitation reports from the department of environmental quality in
- 14 accordance with 76-4-116;
- 15 (vi) quarterly reports from the department of environmental quality on the number and percentage
- 16 of overdue files in accordance with 76-4-116;
- 17 (vii) state trust land accessibility reports from the department of natural resources and conservation
- 18 in accordance with 77-1-820;
- 19 (viii) biennial land banking reports and annual state land cabin and home site sales reports from the
- 20 department of natural resources and conservation in accordance with 77-2-366;
- 21 (ix) biennially invasive species reports from the departments of fish, wildlife, and parks and natural
- 22 resources and conservation in accordance with 80-7-1006;
- 23 (x) annual invasive species council reports in accordance with 80-7-1203;
- 24 (xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;
- 25 (xii) reports from the western Montana conservation commission in accordance with 85-1-904;
- 26 (xiii) annual sage grouse population reports from the department of fish, wildlife, and parks in
- 27 accordance with 87-1-201;
- 28 (xiv) annual gray wolf management reports from the department of fish, wildlife, and parks in

- 1 accordance with 87-1-901;
- 2 (xv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in
- 3 accordance with 87-2-702;
- 4 (xvi) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in
- 5 accordance with 87-5-807; and
- 6 (xvii) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;
- 7 (j) reports to the water policy interim committee, including:
- 8 (i) drought and water supply advisory committee reports in accordance with 2-15-3308;
- 9 (ii) total maximum daily load reports from the department of environmental quality in accordance
- 10 with 75-5-703;
- 11 (iii) state water plans from the department of natural resources and conservation in accordance
- 12 with 85-1-203;
- 13 (iv) small-scale hydroelectric power generation reports from the department of natural resources
- 14 and conservation in accordance with 85-1-501;
- 15 (v) renewable resource grant and loan program reports from the department of natural resources
- 16 and conservation in accordance with 85-1-621;
- 17 (vi) reports from the western Montana conservation commission in accordance with 85-1-904;
- 18 (vii) quarterly adjudication reports from the department of natural resources and conservation and
- 19 the water court in accordance with 85-2-281;
- 20 (viii) water reservation reports from the department of natural resources and conservation in
- 21 accordance with 85-2-316;
- 22 (ix) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-
- 23 436; and
- 24 (x) ground water investigation program reports from the bureau of mines and geology in
- 25 accordance with 85-2-525;
- 26 (k) reports to the local government interim committee, including:
- 27 (i) reports from the local government center on petitions received that resulted in the development
- 28 and delivery of training in accordance with 7-1-206;

- 1 (ii) sand and gravel, if an investigation is completed, in accordance with 82-2-701;
- 2 (iii) assistance to local governments on federal land management proposals from the department
- 3 of commerce in accordance with 90-1-182; and
- 4 (iv) emergency financial assistance to local government reports from the department of commerce,
- 5 if requests are made, in accordance with 90-6-703(2);
- 6 (l) reports to the state-tribal relations committee, including:
- 7 (i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;
- 8 (ii) the Montana Indian language preservation program report from the office of public instruction in
- 9 accordance with 20-9-537;
- 10 (iii) reports from the missing indigenous persons task force in accordance with 44-2-411;
- 11 (iv) a report from the department of justice on missing persons response team training grants
- 12 awarded in accordance with 44-2-416;
- 13 (v) state-tribal economic development commission activities reports from the state-tribal economic
- 14 development commission in accordance with 90-1-132; and
- 15 (vi) state-tribal economic development commission reports provided regularly by the state director
- 16 of Indian affairs in accordance with 90-11-102.
- 17 (4) Reports to the legislature include multistate compact and agreement reports, including:
- 18 (a) multistate tax compact reports in accordance with 15-1-601;
- 19 (b) interstate compact on educational opportunity for military children reports in accordance with
- 20 20-1-230 and 20-1-231;
- 21 (c) compact for education reports in accordance with 20-2-501;
- 22 (d) Western regional higher education compact reports in accordance with 20-25-801;
- 23 (e) interstate insurance product regulation compact reports in accordance with 33-39-101;
- 24 (f) interstate medical licensure compact reports in accordance with 37-3-356;
- 25 (g) interstate compact on juveniles reports in accordance with 41-6-101;
- 26 (h) interstate compact for adult offender supervision reports in accordance with 46-23-1115;
- 27 (i) vehicle equipment safety compact reports in accordance with 61-2-201;
- 28 (j) multistate highway transportation agreement reports in accordance with 61-10-1101; and

(k) western interstate nuclear compact reports in accordance with 90-5-201.

(5) Reports, transfers, statements, assessments, recommendations and changes required under 17-7-138, 17-7-139, 17-7-140, 19-2-405, 19-2-407, 19-3-117, 19-20-201, 19-20-216, 23-7-202, 33-1-115, and 39-71-2375 must be provided as soon as the report is published and publicly available. Reports required in subsections (2)(a), (2)(gg), (2)(ii), and (3)(b)(xi) must be provided following issuance of reports issued under Title 5, chapter 13."

SECTION 6. SECTION 10-4-310, MCA, IS AMENDED TO READ:

"10-4-310. (Temporary) 9-1-1 GIS mapping account created -- source of funding -- use of account. (1) There is an account in the state special revenue fund to be known as the 9-1-1 GIS mapping fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations and from transfers made in accordance with 10-4-304(5); and

(b) any gift, donation, grant, legacy, bequest, or devise made for the purposes of subsection (3).

(3) The account may be used only by the state library provided for in 22-1-102 in carrying out its coordination and management responsibilities to collect, maintain, and disseminate GIS land information in the state as it pertains to supporting public safety answering points on the ongoing assessment and improvement of next-generation 9-1-1 GIS data sets.

(4) Before September 1 of each even-numbered year, the state library shall produce a report summarizing the status of GIS readiness in Montana as it pertains to next-generation 9-1-1 GIS, including policy and funding recommendations necessary to advance next-generation 9-1-1 systems. The state library shall provide the report in accordance with 5-11-210 to the energy and ~~telecommunications~~ technology interim committee provided for in 5-5-230.

(5) Funds in the account are statutorily appropriated to the state library as provided in 17-7-502.

(6) At the end of fiscal year 2031, any unexpended balance in the account must be transferred to the account established in accordance with 10-4-304(1). (Terminates July 1, 2031--sec. 8, Ch. 200, L. 2021.)"

SECTION 7. SECTION 17-7-214, MCA, IS AMENDED TO READ:

1 **"17-7-214. (Temporary) High-performance program for operations and maintenance of existing**
2 **buildings.** (1) The department of administration, in collaboration with the Montana university system and other
3 state agencies, shall develop a voluntary high-performance building program for the operation and maintenance
4 of existing buildings. In developing this program, the department of administration shall consider:
5 (a) integrated design principles to optimize energy performance, enhance indoor environmental
6 quality, and conserve natural resources;
7 (b) cost-effectiveness, including productivity, deferred maintenance, and operational
8 considerations; and
9 (c) building functionality, durability, and maintenance.
10 (2) When economically justified, state agencies may elect to improve the cost-effectiveness of
11 existing buildings by participating in the high-performance program for operations and maintenance of existing
12 buildings established by the department of administration under this section.
13 (3) The department of administration, in collaboration with the Montana university system, shall
14 provide a report to the energy and ~~telecommunications~~ technology interim committee in accordance with 5-11-
15 210 on the high-performance building program established in subsection (1). The report must include an
16 overview of the state agencies and educational units participating in the program and an estimate of savings or
17 actual savings in operations and maintenance resulting from participation in the program. (Terminates June 30,
18 2029--sec. 1, Ch. 408, L. 2019.)"

19
20 **Section 8.** Section 30-14-102, MCA, is amended to read:

21 **"30-14-102. Definitions.** As used in this part, the following definitions apply:

22 (1) "Consumer" means a person who purchases or leases goods, services, real property, or
23 information primarily for personal, family, or household purposes.

24 (2) "Department" means the department of justice created in 2-15-2001.

25 (3) "Documentary material" means the original or a copy of any book, record, report,
26 memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other
27 tangible document or recording.

28 (4) "Examination" of documentary material includes the inspection, study, or copying of

documentary material and the taking of testimony under oath or acknowledgment in respect to any documentary material or copy of documentary material.

(5) (a) "Gift certificate" means a record, including a gift card or stored value card, that is provided for paid consideration and that indicates a promise by the issuer or seller of the record that goods or services will be provided to the possessor of the record for the value that is shown on the record or contained within the record by means of a microprocessor chip, magnetic stripe, bar code, or other electronic information storage device. The consideration provided for the gift certificate must be made in advance. The value of the gift certificate is reduced by the amount spent with each use. A gift certificate is considered trust property of the possessor if the issuer or seller of the gift certificate declares bankruptcy after issuing or selling the gift certificate. The value represented by the gift certificate belongs to the possessor, to the extent provided by law, and not to the issuer or seller.

(b) The term does not include:

(i) prepaid telecommunications and technology cards, including but not limited to prepaid telephone calling cards, prepaid technical support cards, and prepaid internet disks that have been distributed to or purchased by a consumer;

(ii) a coupon provided to a consumer pursuant to any award, loyalty, or promotion program without any money or consideration being given in exchange for the card; or

(iii) a gift certificate usable with multiple sellers of goods or services.

(6) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(7) "Possessor" means a natural person who has physical control over a gift certificate OR TRAVEL CREDIT.

(8) (a) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services, any property, tangible or intangible, real, personal, or mixed, or any other article, commodity, or thing of value, wherever located, and includes any trade or commerce directly or indirectly affecting the people of this state.

(b) The terms include direct patient care agreements established pursuant to 50-4-107.

(9) "Travel credit" means a form of credit issued by an airline that can be used to purchase future

1 flights or other services offered by an airline."

4 **SECTION 9. SECTION 69-1-222, MCA, IS AMENDED TO READ:**

5 **"69-1-222. Annual report.** (1) The consumer counsel shall prepare and submit a yearly report and
6 other interim reports to the consumer committee that the consumer counsel determines advisable concerning
7 the consumer counsel's activities during the year. The consumer counsel also may recommend appropriate
8 remedial legislation to the committee.

9 (2) The annual report and any recommendations for remedial legislation prepared in accordance
10 with subsection (1) must also be provided to the energy and ~~telecommunications-technology~~ interim committee
11 in accordance with 5-11-210."

13 **SECTION 10. SECTION 69-8-402, MCA, IS AMENDED TO READ:**

14 **"69-8-402. Universal system benefits programs.** (1) Universal system benefits programs are
15 established for the state of Montana to ensure continued funding of and new expenditures for energy
16 conservation, renewable resource projects and applications, and low-income energy assistance.

17 (2) (a) Except as provided in subsection (11), beginning January 1, 1999, 2.4% of each utility's
18 annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the
19 initial funding level for universal system benefits programs. To collect this amount of funds on an annualized
20 basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing
21 boards of cooperatives shall establish rates for the cooperatives.

22 (b) The recovery of all universal system benefits programs costs imposed pursuant to this section
23 is authorized through the imposition of a universal system benefits charge assessed at the meter for each local
24 utility system customer as provided in this section.

25 (c) A utility must receive credit toward annual funding requirements for the utility's internal
26 programs or activities that qualify as universal system benefits programs, including those amortized or
27 nonamortized portions of expenditures for the purchase of power that are for the acquisition or support of
28 renewable energy, conservation-related activities, or low-income energy assistance, and for large customers'

1 programs or activities as provided in subsection (7). The department of revenue shall review claimed credits of
2 the utilities and large customers pursuant to 69-8-414.

3 (d) A utility at which the sale of power for final end use occurs is the utility that receives credit for
4 the universal system benefits programs expenditure.

5 (e) A customer's utility shall collect universal system benefits funds less any allowable credits.

6 (f) For a utility to receive credit for low-income-related expenditures, the activity must have taken
7 place in Montana.

8 (g) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding
9 provisions of this subsection (2), then the utility or large customer shall make a payment to the universal system
10 benefits fund established in 69-8-412 for any difference.

11 (3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding
12 requirements for universal system benefits programs and low-income energy assistance.

13 (4) A utility's transition plan must describe how the utility proposes to provide for universal system
14 benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to
15 measure the utility's level of contribution to each program.

16 (5) (a) A cooperative utility's minimum annual funding requirement for low-income energy and
17 weatherization assistance is established at 17% of the cooperative utility's annual universal system benefits
18 funding level and is inclusive within the overall universal system benefits funding level.

19 (b) Except as provided in subsection (11), a public utility's minimum annual funding requirement for
20 low-income energy and weatherization assistance is established at 50% of the public utility's annual universal
21 system benefits funding level and is inclusive within the overall universal system benefits funding level.

22 (c) A utility must receive credit toward the utility's low-income energy assistance annual funding
23 requirement for the utility's internal low-income energy assistance programs or activities. Internal programs and
24 activities may include providing low-income energy and weatherization assistance on Indian reservations.

25 (d) If a utility's credit for internal activities does not satisfy its annual funding requirement, then the
26 utility shall make a payment for any difference to the universal low-income energy assistance fund established
27 in 69-8-412.

28 (6) An individual customer may not bear a disproportionate share of the local utility's funding

requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs.

(7) (a) A large customer:

(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:

(A) \$500,000, less the large customer credits provided for in this subsection (7); or

(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection (7);

(ii) must receive credit toward that large customer's universal system benefits charge for internal expenditures and activities that qualify as a universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:

(A) expenditures that result in a reduction in the consumption of electrical energy in the large customer's facility; and

(B) those amortized or nonamortized portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.

(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a calendar year that exceed that large customer's universal system benefits charge for the calendar year must be used as a credit against those charges in future years until the total amount of those expenditures has been credited against that large customer's universal system benefits charges.

(8) (a) Except as provided in subsection (11), a public utility shall prepare and submit an annual summary report of the public utility's activities relating to all universal system benefits programs to the commission, the department of revenue, and the energy and ~~telecommunications~~ technology interim committee in accordance with 5-11-210. A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, and the energy and ~~telecommunications~~ technology interim committee in accordance with 5-11-210. The statewide cooperative utility office shall prepare and submit an annual summary report of the activities of individual cooperative utilities, including a summary of the pooling of statewide credits, as provided in subsection (3), to

the department of revenue and the energy and ~~telecommunications~~ technology interim committee in accordance with 5-11-210. The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:

(i) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;

(ii) the level of funding for those programs relative to the annual funding requirements prescribed in subsection (2);

(iii) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements; and

(iv) the names of all large customers who either utilized credits to minimize or eliminate their charge pursuant to subsection (7) or received a reimbursement for universal system benefits related to expenditures from the utility during the previous reporting year.

(b) Before September 15 of the year preceding a legislative session, the energy and ~~telecommunications~~ technology interim committee shall:

(i) review the universal system benefits programs and, if necessary, submit recommendations regarding these programs to the legislature; and

(ii) review annual universal system benefits reports provided by utilities in accordance with subsection (8)(a) and compare those reports with reports provided by large customers to the department of revenue in accordance with subsection (10)(a) and identify large customers, if any, who are not in compliance with reporting requirements in accordance with this subsection (8) and subsection (10).

(9) A utility or large customer filing for a credit shall develop and maintain appropriate documentation to support the utility's or the large customer's claim for the credit.

(10) (a) A large customer claiming credits for a calendar year shall submit an annual summary report of its universal system benefits programs activities and expenditures to the department of revenue and to the large customer's utility. The department shall annually make the reports available to the energy and ~~telecommunications~~ technology interim committee in accordance with 5-11-210. A report must be filed with the department even if a large customer is being reimbursed for a prior year's project. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount

of the credit. Prior approval by the utility is not required, except as provided in subsection (10)(b).

(b) If a large customer claims a credit that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that credits claimed by the large customer be first approved by the utility. If the utility approves the large customer credit, the utility may be financially responsible for any subsequent disallowance.

(11) A public utility with fewer than 50 customers is exempt from the requirements of this section."

SECTION 11. SECTION 76-3-621, MCA, IS AMENDED TO READ:

"76-3-621. Park dedication requirement. (1) Except as provided in 76-3-509 or subsections (2), (3), and (6) through (9) of this section, a subdivider shall dedicate to the governing body a cash or land donation equal to:

(a) 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;

(b) 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than 1 acre;

(c) 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and not larger than 3 acres; and

(d) 2.5% of the area of the land proposed to be subdivided into parcels larger than 3 acres and not larger than 5 acres.

(2) When a subdivision is located totally within an area for which density requirements have been adopted pursuant to a growth policy under chapter 1 or pursuant to zoning regulations under chapter 2, the governing body may establish park dedication requirements based on the community need for parks and the development densities identified in the growth policy or regulations. Park dedication requirements established under this subsection are in lieu of those provided in subsection (1) and may not exceed 0.03 acres per dwelling unit.

(3) A park dedication may not be required for:

(a) land proposed for subdivision into parcels larger than 5 acres;

(b) subdivision into parcels that are all nonresidential;

(c) a subdivision in which parcels are not created, except when that subdivision provides

1 permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums;

2 (d) a subdivision in which only one additional parcel is created; or

3 (e) except as provided in subsection (8), a first minor subdivision from a tract of record as
4 described in 76-3-609(2).

5 (4) ~~The~~ If the subdivider does not choose a cash donation only, the governing body, in consultation
6 with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations
7 for parks and playgrounds and, giving due weight and consideration to the expressed preference of the
8 subdivider, may determine whether the park dedication must be a land donation, ~~cash donation~~, or a
9 combination of both a land and cash donation. When a combination of land donation and cash donation is
10 required, the cash donation may not exceed the proportional amount not covered by the land donation.

11 (5) (a) In accordance with the provisions of subsections (5)(b) and (5)(c), the governing body shall
12 use the dedicated money or land for development, acquisition, or maintenance of parks to serve the
13 subdivision.

14 (b) The governing body may use the dedicated money to acquire, develop, or maintain, within its
15 jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements
16 only if:

17 (i) the park, recreational area, open space, or conservation easement is within a reasonably close
18 proximity to the proposed subdivision; and

19 (ii) the governing body has formally adopted a park plan that establishes the needs and
20 procedures for use of the money.

21 (c) The governing body may not use more than 50% of the dedicated money for park
22 maintenance.

23 (6) The local governing body shall waive the park dedication requirement if:

24 (a) (i) the preliminary plat provides for a planned unit development or other development with land
25 permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will
26 ultimately reside in the development; and

27 (ii) the area of the land and any improvements set aside for park and recreational purposes equals
28 or exceeds the area of the dedication required under subsection (1);

(b) (i) the preliminary plat provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and

(ii) the area of the land proposed to be subdivided, by virtue of providing long-term protection provided for in subsection (6)(b)(i), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1);

(c) the area of the land proposed to be subdivided, by virtue of a combination of the provisions of subsections (6)(a) and (6)(b), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1); or

(d) (i) the subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and

(ii) the area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under subsection (1).

(7) The local governing body may waive the park dedication requirement if:

(a) the subdivider provides land outside the subdivision that affords long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and

(b) the area of the land to be subject to long-term protection, as provided in subsection (7)(a), equals or exceeds the area of the dedication required under subsection (1).

(8) (a) A local governing body may, at its discretion, require a park dedication for:

(i) a subsequent minor subdivision as described in 76-3-609(3); or

(ii) a first minor subdivision from a tract of record as described in 76-3-609(2) if:

(A) the subdivision plat indicates development of condominiums or other multifamily housing;

(B) zoning regulations permit condominiums or other multifamily housing; or

(C) any of the lots are located within the boundaries of a municipality.

(b) A local governing body that chooses to require a park dedication shall specify in regulations the circumstances under which a park dedication will be required.

(9) Subject to the approval of the local governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided in subsection (1) to a school district, adequate to be used for school facilities or buildings.

(10) For the purposes of this section:

(a) "cash donation" is the fair market value of the unsubdivided, unimproved land; and

(b) "dwelling unit" means a residential structure in which a person or persons reside.

(11) A land donation under this section may be inside or outside of the subdivision."

SECTION 12. SECTION 85-1-501, MCA, IS AMENDED TO READ:

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

(a) the estimated cost of construction of a facility;

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

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

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

(e) the debt burden to be serviced;

(f) the revenue expected to be derived;

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

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

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

SECTION 13. SECTION 90-3-1301, MCA, IS AMENDED TO READ:

"90-3-1301. Geothermal research. (1) Subject to subsection (2), the Montana bureau of mines and geology may conduct geothermal research that:

(a) characterizes the geothermal resource base in Montana;

(b) tests high-temperature and high-pressure drilling technologies benefiting geothermal well

1 construction; and

2 (c) determines reservoir characterization, monitoring, and modeling necessary for commercial
3 application in Montana.

4 (2) If the research is conducted on private property, the bureau must have written agreements
5 with:

6 (a) the surface property owner and any owners of the geothermal resource for access and use of
7 the site for research purposes; and

8 (b) subject to subsections (3) and (4), the utility, as defined in 69-5-102, with a service area
9 nearest the research site if the utility intends to commercially develop the site.

10 (3) If the utility with a service area nearest the research site intends to develop the site for future
11 commercial use, the utility shall:

12 (a) contribute, at a minimum, 25% of the research costs as determined by the bureau for research
13 at the site; and

14 (b) have an agreement in place with the surface property owner and any owners of the geothermal
15 resource where the research site is located for future development of the geothermal resource.

16 (4) If the utility with a service area nearest the research site does not intend to develop the site for
17 commercial use, the utility with a service area next nearest the site may enter into a written agreement pursuant
18 to subsection (2)(b). If a utility does not intend to develop the site for future commercial use, the agreement
19 pursuant to subsection (2)(b) is not required.

20 (5) In determining the utility with a service area nearest the site, all measurements must be made
21 on the shortest vector that can be drawn from the line nearest the service area to the nearest portion of the
22 geothermal site.

23 (6) The bureau shall provide a report to the energy and ~~telecommunications~~ technology interim
24 committee in accordance with 5-11-210 on research conducted pursuant to this section and funding received
25 pursuant to 90-3-1302."

26
27 NEW SECTION. SECTION 14. NAME CHANGE -- DIRECTIONS TO CODE COMMISSIONER. WHENEVER A
28 REFERENCE TO THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE APPEARS IN LEGISLATION ENACTED BY

1 THE 2025 LEGISLATURE, THE CODE COMMISSIONER IS DIRECTED TO CHANGE IT TO A REFERENCE TO THE ENERGY AND
2 TECHNOLOGY INTERIM COMMITTEE.

3
4 NEW SECTION. Section 15. Codification instruction. (1) [SECTION 1] IS INTENDED TO BE CODIFIED AS
5 AN INTEGRAL PART OF TITLE 16, AND THE PROVISIONS OF TITLE 16 APPLY TO [SECTION 1].

6 (2)-(1) [SECTION 2 1] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 76, CHAPTER 3, PART 5,
7 AND THE PROVISIONS OF TITLE 76, CHAPTER 3, PART 5, APPLY TO [SECTION 2 1].

8 (3)-(2) [Section 4-3 2] is intended to be codified as an integral part of Title 30, chapter 14, part 1, and
9 the provisions of Title 30, chapter 14, part 1, apply to [section 4-3 2].

10
11 NEW SECTION. Section 16. Saving clause. [This act] does not affect rights and duties that
12 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

13
14 NEW SECTION. SECTION 17. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT
15 ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
16 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
17 APPLICATIONS.

18
19 NEW SECTION. Section 18. Effective date. [This act] is effective on passage and approval.

20
21 NEW SECTION. Section 19. Retroactive applicability. [SECTIONS 2 AND 8] [This act SECTIONS 3
22 THROUGH 11 AND 13 THROUGH 15] applies APPLY retroactively, within the meaning of 1-2-109, to travel credit
23 issued on or after January 1, 2025.

24 - END -