**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE GOVERNMENT EVIDENCE AND IMPACT COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING ACCOUNTING NOMENCLATURE; AMENDING SECTIONS 2-15-2218, 3-1-707, 3-2-714, 5-11-120, 5-11-407, 5-12-303, 5-13-403, 7-14-112, 10-1-108, 10-1-1022, 10-1-1303, 10-2-108, 10-2-118, 10-2-603, 10-3-1304, 10-4-304, 10-4-310, 13-1-209, 15-1-521, 15-24-925, 15-31-1004, 15-65-121, 15-68-820, 15-70-125, 15-70-451, 15-70-452, 16-12-122, 17-2-102, 17-2-103, 17-2-107, 17-6-407, 17-6-603, 17-7-209, 17-7-215, 17-7-221, 18-5-417, 20-4-109, 20-8-107, 20-9-336, 20-9-622, 20-10-203, 20-26-1501, 22-3-1004, 22-3-1304, 22-3-1307, 23-1-105, 23-4-105, 23-5-184, 23-7-402, 30-10-115, 30-10-1004, 30-14-143, 30-14-226, 30-14-1407, 30-14-2102, 30-14-2820, 30-25-204, 33-2-321, 33-28-120, 37-1-125, 37-7-1511, 37-18-606, 37-19-204, 37-45-203, 37-55-102, 39-11-205, 39-51-406, 39-51-409, 39-51-1301, 39-71-417, 39-71-503, 41-5-2011, 44-4-1101, 44-4-1506, 44-5-306, 44-7-202, 44-10-204, 44-12-213, 46-1-1112, 46-23-1031, 46-23-1032, 50-19-212, 50-48-209, 50-50-216, 50-51-110, 50-52-210, 50-57-213, 50-60-116, 50-65-103, 52-7-102, 53-1-109, 53-1-413, 53-1-712, 53-2-1219, 53-4-1012, 53-4-1115, 53-6-502, 53-6-1315, 53-9-113, 53-19-310, 60-11-115, 60-11-118, 61-3-415, 61-3-416, 61-4-517, 67-1-306, 67-1-308, 67-1-309, 67-3-205, 69-1-223, 69-1-402, 69-4-527, 75-2-508, 75-10-704, 75-10-1203, 75-11-708, 75-25-101, 76-4-132, 76-13-150, 77-1-108, 77-1-131, 77-1-132, 77-5-404, 80-4-415, 80-5-132, 80-6-1109, 80-7-123, 80-7-908, 80-7-1004, 80-8-112, 80-11-210, 80-11-518, 80-11-602, 80-11-1006, 81-10-103, 82-11-181, 85-2-318, 85-20-1007, 85-20-1504, 87-1-201, 87-1-290, 87-1-621, 87-2-411, 90-1-135, 90-1-158, 90-1-205, 90-1-409, 90-1-501, 90-6-304, 90-6-1001, 90-7-317, 90-9-301, AND 90-14-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-2218, MCA, is amended to read:

"**2-15-2218. Traumatic brain injury ~~account~~fund.** (1) There is a traumatic brain injury ~~account~~fund in the state special revenue fund type established in 17-2-102.

(2) Money in this ~~account~~ fund may be used by the department of public health and human

services for funding activities that educate and support recovery of individuals and families, including military service personnel, living with traumatic brain injuries, promote brain injury prevention, and support the traumatic brain injury advisory council."

Section 2. Section 3-1-707, MCA, is amended to read:

"**3-1-707. Court-appointed special advocate ~~account~~fund.** (1) There is a court-appointed special advocate ~~account~~ fund in the state special revenue fund type established in 17-2-102. There must be paid into this account the fees collected pursuant to 3-1-318. The money in the ~~account~~ fund must be used solely for the purpose of providing ~~funding~~ financial resources for court-appointed special advocates.

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the ~~account~~fund. The supreme court administrator may designate nonprofit organizations that ordinarily provide special advocate services to receive or administer the distribution of the fund."

Section 3. Section 3-2-714, MCA, is amended to read:

"**3-2-714. Civil legal assistance for indigent victims of domestic violence ~~account~~fund.** (1) There is a civil legal assistance for indigent victims of domestic violence account in the state special revenue fund type established in 17-2-102. There must be paid into this ~~account~~ fund the filing fees paid under 25-1-201(3)(a) and (5). The money in the ~~account~~ fund must be used solely for the purpose of providing legal representation for indigent victims in civil matters in domestic violence cases and for alternative dispute resolution initiatives in family law cases. Money in the ~~account~~ fund may not be used for class action lawsuits.

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the ~~account~~ fund. The supreme court administrator may designate nonprofit organizations that ordinarily render or finance legal services to indigent persons in civil matters in domestic violence cases to receive or administer the distribution of the funds."

Section 4. Section 5-11-120, MCA, is amended to read:

"**5-11-120. Legislative branch retirement termination reserve ~~account~~ fund.** (1) There is a

legislative branch retirement termination reserve ~~account~~ fund in the state special revenue fund type established in 17-2-102. Money may be deposited in the ~~account~~ fund through an allocation of money to the account or as provided in 17-7-304.

(2) (a) The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the legislative services division to be used only for staff retirement termination pay in the legislative branch.

(b) The money in the ~~account~~ fund may be expended only with the approval of the appropriate branch division director for eligible termination pay expenditures for division staff.

(3) The account is limited to an amount to be calculated at the beginning of each biennium based on an analysis by branch division directors of the staff eligible for retirement within the biennium. ~~For the 2009 biennium, the limit is set at $400,000.~~

(4) The money in the fund~~account~~ must be invested pursuant to Title 17, chapter 6. The income and earnings on the ~~account~~ fund must be deposited in the ~~account~~ fund."

Section 5. Section 5-11-407, MCA, is amended to read:

"**5-11-407. Legislative branch reserve ~~account~~ fund.** (1) There is a legislative branch reserve ~~account~~ fund in the state special revenue fund established in 17-2-102. Money may be deposited in the ~~account~~ fund through an allocation of money to the ~~account~~ fund or as provided in 17-7-304.

(2) (a) The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the legislative services division to be used only for major legislative branch information technology projects, including the purchase of hardware, software, and consulting services for and training related to new initiatives and replacement and upgrading of existing systems.

(b) The money in the ~~account~~ fund may be expended only with the approval of the legislative council. The legislative branch information technology planning council may make recommendations to the legislative council for the use of the money in the account.

(3) The money in the ~~account~~ fund must be invested pursuant to Title 17, chapter 6. The income and earnings on the account must be deposited in the ~~account~~ fund."

Section 6. Section 5-12-303, MCA, is amended to read:

"**5-12-303. Fiscal analysis information from state agencies.** (1) The legislative fiscal analyst may investigate and examine the costs and revenue of state government activities and may examine and obtain copies of the records, books, and files of any state agency, including confidential records.

(2) When confidential records and information are obtained from a state agency, the legislative fiscal analyst and staff must be subject to the same penalties for unauthorized disclosure of the confidential records and information provided for under the laws administered by the state agency. The legislative fiscal analyst shall develop policies to prevent the unauthorized disclosure of confidential records and information obtained from state agencies and may not disclose confidential records or information to legislators.

(3) (a) The department of revenue shall make Montana individual income tax information available by removing names, addresses, and social security numbers and substituting in their place a state accounting record identifier number. Except for the purposes of complying with federal law, the department may not alter the data in any other way.

(b) The department of revenue shall provide the name and address of a taxpayer on written request of the legislative fiscal analyst when the values on the requested return, including estimated payments, are considered necessary by the legislative fiscal analyst to properly analyze state revenue and are of a sufficient magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to evaluate the effect of the return or payments on the analysis being performed.

(4) (a) The department of public health and human services shall provide the legislative fiscal analyst direct access to the department's secure data warehouse as the phases of the secure data warehouse project are implemented.

(b) The department of public health and human services shall consult with the legislative fiscal analyst and shall establish user requirements to ensure the legislative fiscal analyst does not have access to direct identifiers stored on the secure data warehouse. The department of public health and human services shall consult with the legislative fiscal analyst and shall establish requirements to ensure the legislative fiscal analyst does not have access to direct identifiers stored in other data systems where the data is not available through the secure data warehouse after the phases of the secure data warehouse project are implemented.

(c) The data must be made available to the legislative fiscal analyst in a format that complies with the regulations of the respective federal programs.

(d) The department of public health and human services shall provide the legislative fiscal analyst with a summary of the data available in the secure data warehouse and shall provide an update when new data sets are added. The summary must include the list of fields available for the legislative fiscal analyst to access.

(5) The board of crime control shall provide the legislative fiscal analyst direct access to the criminal justice warehouse established in 44-7-126 in a manner that complies with the regulations of the respective federal programs.

(6) Within 1 day after the legislative finance committee presents its budget analysis to the legislature, the budget director and the legislative fiscal analyst shall exchange expenditure and disbursement recommendations by second-level expenditure detail and by funding sources detailed by ~~accounting entity~~ fund. This information must be filed in the respective offices and be made available to the legislature and the public. In preparing the budget analysis for the next biennium for submission to the legislature, the legislative fiscal analyst shall use the base budget, the present law base, and new proposals as defined in 17-7-102.

(7) This section does not authorize publication or public disclosure of information if the law prohibits publication or disclosure or if the department of revenue notifies the fiscal analyst that specified records or information may contain confidential information."

Section 7. Section 5-13-403, MCA, is amended to read:

"**5-13-403. Audit ~~account~~ fund -- appropriation and expenditures.** All money for audits transferred to the legislative auditor as provided in 5-13-402 must be deposited in ~~the~~ a fund in the state special revenue fund ~~in the state treasury~~ type established in 17-2-102 to the credit of the office of the legislative auditor. The money deposited that is in excess of general and pay plan appropriations is statutorily appropriated, as provided in 17-7-502, and may be expended by the legislative auditor to pay expenses incurred in auditing state agencies pursuant to an operational plan approved by the legislative audit committee."

Section 8. Section 7-14-112, MCA, is amended to read:

"**7-14-112. Senior citizen and persons with disabilities transportation services ~~account~~ fund -- use.** (1) There is a senior citizen and persons with disabilities transportation services ~~account~~ fund in the state special revenue fund type established in 17-2-102. Money must be deposited in the ~~account~~ fund pursuant to

15-68-820(2).

(2) The ~~account~~ fund must be used to provide operating ~~funds~~expenses, matching ~~funds~~ money for operating grants, or matching ~~funds~~money for capital grants pursuant to 49 U.S.C. 5311 to counties, incorporated cities and towns, tribal governments, urban transportation districts, or nonprofit organizations for transportation services for persons 60 years of age or older and for persons with disabilities.

(3) (a) Subject to the conditions of subsection (3)(b), the department of transportation is authorized to award grants to counties, incorporated cities and towns, tribal governments, urban transportation districts, and nonprofit organizations for transportation services using guidelines established in the state management plan for the purposes described in 49 U.S.C. 5310 and 5311.

(b) Priority for awarding grants must be determined according to the following factors:

(i) the most recent census or federal estimate of persons 60 years of age or older and persons with disabilities in the area served by a county, incorporated city or town, tribal government, urban transportation district, or nonprofit organization;

(ii) the annual number of trips provided by the transportation provider to persons 60 years of age or older and to persons with disabilities in the transportation service area; and

(iii) the coordination of services as required in subsection (4).

(4) In awarding grants, the department of transportation shall give preference to proposals that:

(a) include participation in a local transportation advisory committee;

(b) address and document the transportation needs within the community, county, and service area or region;

(c) identify all other transportation providers in the community, county, and service area or region;

(d) explain how services are going to be coordinated with the other transportation providers in the service area or region by creating a locally developed transportation coordination plan;

(e) indicate how services are going to be expanded to meet the unmet needs of senior citizens and disabled persons within the community, county, and service area or region who are dependent upon public transit;

(f) include documentation of coordination with other local transportation programs within the community, county, and service area or region, including:

(i) utilization of existing resources and equipment to maximize the delivery of service; and

(ii) the projected increase in ridership and expansion of service;

(g) invite school districts to participate or be included in the transportation coordination efforts within the community, county, and service area or region; and

(h) at a minimum, comply with the provisions in subsections (4)(b) through (4)(f)."

Section 9. Section 10-1-108, MCA, is amended to read:

"**10-1-108. Armories -- acquisition and sale -- proceeds -- ~~account~~ fund -- utilities easements.** (1) A county, city, or town may convey or lease real property to the state for armories or other military facilities.

(2) A county, city, or town in which a unit of the national guard is organized and regularly stationed may provide any part of the funds to build an armory. The armory must be of sufficient size and suitable for the drill of the unit.

(3) (a) There is a Montana national guard land purchase ~~account~~fund in the state special revenue fund type established in 17-2-102. If the state sells an armory, the money from the sale must be deposited in the account.

(b) Money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, for the purposes described in subsection (4).

(c) Any interest and income accruing on the ~~account~~ fund must be deposited in the state general fund.

(4) Money in the ~~account~~ fund is expendable solely on the authorization of the governor and may be used for:

(a) preparations to purchase or the purchase of land necessary for the Montana national guard's mission;

(b) project design of construction projects allowed in subsection (4)(c); and

(c) construction of facilities necessary for the Montana national guard's mission subject to the provisions of the state long-range building program and 18-2-102. Money in the ~~account~~ fund may not be expended for construction unless the balance of the ~~account~~ fund, after any proposed construction expenses are deducted, is at least $250,000.

(5) The department may accept the in-kind provision of services or materials, or both, as consideration equal to or exceeding the full market value of any utilities easement on real property used by the department for an armory or military facility."

Section 10. Section 10-1-1022, MCA, is amended to read:

"**10-1-1022. Special revenue ~~account~~ fund for payment to claimants.** (1) There is an ~~account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department of justice for the payment of compensation awarded by a court pursuant to 10-1-1021.

(2) In a lawsuit by the state attorney general under 10-1-1018, if paid compensation or liquidated damages are awarded, the money awarded must be deposited in the ~~state special revenue account~~ fund and be paid from the ~~account~~ fund directly to the complainant on order of the state attorney general.

(3) If payment cannot be made to a complainant within 3 years, the payment must be forwarded to the Montana department of revenue and classified as unclaimed property subject to the provisions of Title 70, chapter 9, part 8."

Section 11. Section 10-1-1303, MCA, is amended to read:

"**10-1-1303. ~~Fund account~~ Montana military family relief fund -- statutory appropriation.** (1) There is a Montana military family relief fund ~~account~~ fund in the state special revenue fund type ~~provided for~~ established in 17-2-102. All money transferred to the fund by the legislature, all monetary contributions, gifts, and grants donated to the fund, all contributions made to the fund pursuant to 15-30-2392, and all interest and income earned on money in the ~~account~~ fund must be deposited into the ~~account~~ fund.

(2) Money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department for the purposes of this part."

Section 12. Section 10-2-108, MCA, is amended to read:

"**10-2-108. Veterans and surviving spouses state special revenue ~~account~~ fund.** (1) There is a veterans and surviving spouses ~~account~~ fund in the state special revenue fund type established in 17-2-102 to be administered by the veterans' affairs division of the department of military affairs. The ~~account~~ fund consists

of revenue deposited pursuant to 16-12-111 and 16-11-119.

(2) The ~~account~~ fund must be used to provide services and assistance for all Montana veterans and surviving spouses and dependents."

Section 13. Section 10-2-118, MCA, is amended to read:

"**10-2-118. State scholarship for eligible armed forces medal recipients -- special revenue ~~account~~ fund.** (1) There is a state scholarship program for eligible recipients of a purple heart or a higher medal for combat-related service in the armed forces.

(2) The board shall administer the program pursuant to this section.

(3) A person is eligible for the scholarship provided for in subsection (4) if the person:

(a) is a recipient of the purple heart or a higher medal for combat-related service in the armed forces as verified by an authentic department of defense form 214 (DD 214) or other authentic military discharge form listing awards;

(b) did not receive a dishonorable or other than honorable discharge;

(c) is a resident of Montana; and

(d) has been enrolled for a full academic year as a full-time or part-time student at an accredited public university, public vocational or technical school, or tribal college located in Montana either prior to or after military service, has maintained a grade point average of at least 2.5 on a 4.0 grade point scale, and has reenrolled to continue the student's higher education at the educational institution.

(4) (a) Except as provided in subsection (4)(b), each student who meets the criteria set forth in subsection (3) is eligible to receive a $1,000 scholarship as provided in subsection (5).

(b) An eligible student who does not have any out-of-pocket costs for tuition because the student is a recipient of U.S. department of veterans affairs education benefits is not eligible for a scholarship under this section.

(5) (a) The educational institution in which the eligible student is enrolled shall verify the student's eligibility and apply to the board, on a form prescribed by the board, for the scholarship. Except as provided in subsection (6), upon receipt of the scholarship application, the board shall pay the scholarship money to the educational institution.

(b) The educational institution shall provide the scholarship money to the eligible student in the form of a voucher that the eligible student may apply toward the cost of tuition, books, transportation, or housing.

(6) The scholarship may be paid only to the extent that funding is available. Scholarship awards must be paid in the order that the applications are received by the board. An eligible recipient may receive one scholarship a year for each year the recipient meets the criteria established in subsection (3).

(7) There is a ~~special revenue account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department of military affairs for the purposes of this section. Money in the ~~account~~ fund may be used only to administer the scholarship program and to pay scholarships to eligible recipients under this section."

Section 14. Section 10-2-603, MCA, is amended to read:

"**10-2-603. ~~Special~~State veterans' cemetary special revenue ~~account~~ fund -- use of funds -- solicitation.** (1) There is ~~an account~~ a fund in the special revenue fund type established in 17-2-102 to the credit of the board for the state veterans' cemeteries.

(2) Plot allowances, donations to the cemetery program, and fund transfers pursuant to 15-1-122(2)(d) must be deposited into the ~~account~~ fund.

(3) The ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department and may be used by the board only for the construction, maintenance, operation, and administration of the state veterans' cemeteries.

(4) The board shall solicit veterans' license plate sales and donations on behalf of the state veterans' cemeteries."

Section 15. Section 10-3-1304, MCA, is amended to read:

"**10-3-1304. Radioactive waste transportation monitoring, emergency response, and training ~~account~~ fund -- purpose -- disbursement.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to be known as the radioactive waste transportation monitoring, emergency response, and training ~~account~~ fund administered by the disaster and emergency services division of the

department of military affairs.

(2) The money deposited into this account by the department of transportation pursuant to 10-3-1307 may be used only for the following purposes:

(a) to reimburse the highway patrol for expenses incurred in monitoring or providing escorts for motor carriers transporting high-level radioactive waste or transuranic waste through the state;

(b) to provide funding for training local emergency response personnel in handling radioactive waste accidents, spills, and other related emergencies; and

(c) to reimburse local emergency response entities for costs incurred in the event that an accident, spill, or other related emergency occurs."

Section 16. Section 10-4-304, MCA, is amended to read:

"**10-4-304. (Temporary) Establishment of 9-1-1 ~~accounts~~ funds.** (1) There is established in the state special revenue fund type established in 17-2-102 ~~accounts~~ funds for fees collected for 9-1-1 services pursuant to 10-4-201.

(2) Except as provided in subsection (5), ~~funds in the accounts~~ each of the funds are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), ~~funds~~ money that ~~are~~ is not used for the administration of this chapter by the department, used for public safety radio communications, if allowable, or transferred in accordance with subsections (5) and (6) are allocated as follows:

(a) 75% of the ~~account~~ fund must be deposited in ~~an account~~a fund for distribution to local and tribal government entities that host public safety answering points in accordance with 10-4-305 and with rules adopted by the department in accordance with 10-4-108;

(b) 7% of the ~~account~~ fund must be deposited in ~~an account~~a fund for distribution in the form of grants to private telecommunications providers, local or tribal government entities that host public safety answering points, or both in accordance with 10-4-306; and

(c) 18% of the ~~account~~ fund must be deposited in ~~an account~~ a fund for use by the department, which shall confer with the 9-1-1 advisory council on proposed expenditures and implementation for a statewide next generation 9-1-1 system.

(3) All money received by the department of revenue pursuant to 10-4-201 must be paid to the

state treasurer for deposit in the appropriate ~~account~~ fund.

~~(~~4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the ~~accounts~~ funds.

(5) Each fiscal year from July 1, 2021, through June 30, 2030, the state treasurer shall transfer $450,000 from the ~~account~~ fund established in subsection (1) to the 9-1-1 GIS mapping ~~account~~ fund established in 10-4-310 by August 15 of each fiscal year.

~~(6) On July 1, 2023, the state treasurer shall transfer the balance from the account established in subsection (2)(b) into the account established in subsection (2)(c).~~ (Terminates July 1, 2031--sec. 8, Ch. 200, L. 2021.)

10-4-304. (Effective July 2, 2031) Establishment of 9-1-1 ~~accounts~~ funds. (1) Beginning July 1, 2018, there ~~is~~are established in the state special revenue fund established in 17-2-102 ~~accounts~~ funds for fees collected for 9-1-1 services pursuant to 10-4-201.

(2) ~~Funds in the accounts~~ Each of the funds are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), ~~beginning July 1, 2018, funds~~ money that ~~are~~ is not used for the administration of this chapter by the department or used for public safety radio communications, if allowable, ~~are~~ is allocated as follows:

(a) 75% of the ~~account~~ fund must be deposited in ~~an account~~a fund for distribution to local and tribal government entities that host public safety answering points in accordance with 10-4-305 and with rules adopted by the department in accordance with 10-4-108; and

(b) 25% of the fund~~account~~ must be deposited in ~~an account~~ a fund for distribution in the form of grants to private telecommunications providers, local or tribal government entities that host public safety answering points, or both in accordance with 10-4-306.

(3) ~~Beginning July 1, 2018, all~~ All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate ~~account~~ fund.

(4) The ~~accounts~~ funds established in subsections (1) and (2) retain interest earned from the investment of money in the ~~accounts~~ funds."

Section 17. Section 10-4-310, MCA, is amended to read:

"**10-4-310. (Temporary) 9-1-1 GIS mapping ~~account~~ fund created -- source of funding -- use of account.** (1) There is ~~an account~~a fund in the state special revenue fund type established in 17-2-102 to be known as the 9-1-1 GIS mapping fund.

(2) There must be deposited in the ~~account~~ fund:

(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~~ fund 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 technology interim committee provided for in 5-5-230.

(5) ~~Funds in the account are~~ The fund is 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~~ fund must be transferred to the ~~account~~ fund established in accordance with 10-4-304(1). (Terminates July 1, 2031--sec. 8, Ch. 200, L. 2021.)"

Section 18. Section 13-1-209, MCA, is amended to read:

"**13-1-209. Special ~~account~~ fund for federal Help America Vote Act.** (1) There is ~~a federal special revenue account in the state treasury~~ a fund in the federal special revenue fund type established in 17-2-102 to the credit of the office of the secretary of state.

(2) Money provided to the state for the purposes of implementing provisions of Public Law 107-252, the Help America Vote Act of 2002, must be deposited in the ~~account~~ fund.

(3) Money in the ~~account~~ fund may be used only for the purposes specified by the federal law under which the money was provided.

(4) In accordance with 5-11-210 and by September 1 every year, the office of the secretary of state shall present a report to the state administration and veterans' affairs interim committee on how much money is received in the special ~~account~~ fund and how the ~~funds are~~ money is used."

Section 19. Section 15-1-521, MCA, is amended to read:

"**15-1-521. Property valuation improvement fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to be used by the department for increasing the efficiency of the property appraisal, assessment, and taxation process through improvements in technology and administration. The department shall deposit fees collected pursuant to 2-6-1007 in the ~~account~~ fund."

Section 20. Section 15-24-925, MCA, is amended to read:

"**15-24-925. (Temporary) Reimbursement to department -- transmission of fees to state.** (1) The department may withhold 2% of the money received under 15-24-921 as reimbursement for the collection of the fee on livestock unless a different percentage of money to be withheld is mutually agreed upon by the department and the department of livestock on an annual basis.

(2) The department shall designate the amount received from the fee imposed on sheep and the amount received from the fee imposed on all other livestock and shall specify the separate amounts in the report to the department of livestock. The money, when received by the department, must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department of livestock. The money in the ~~account~~ fund must be kept separate from other ~~funds~~ money received by the department of livestock. Interest earned on money in the ~~account~~ fund must be deposited in the ~~account~~ fund.

(3) At least $350,000 must be transferred from the ~~state special revenue account~~ fund in subsection (2) to the predatory animal special revenue ~~account~~ fund provided for in 81-7-106 in each fiscal year. (Terminates June 30, 2029--sec. 3, Ch. 20, L. 2023.)

15-24-925. (Effective July 1, 2029) Reimbursement to department -- transmission of fees to state. (1) The department may withhold 2% of the money received under 15-24-921 as reimbursement for the

collection of the fee on livestock unless a different percentage of money to be withheld is mutually agreed upon by the department and the department of livestock on an annual basis.

(2) The department shall designate the amount received from the fee imposed on sheep and the amount received from the fee imposed on all other livestock and shall specify the separate amounts in the report to the department of livestock. The money, when received by the department, must be deposited in an ~~account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department of livestock. The money in the ~~account~~ fund must be kept separate from other ~~funds~~ money received by the department of livestock. Interest earned on money in the account must be deposited in the account.

(3) The amount of $350,000 is transferred from the ~~state special revenue account~~ fund in subsection (2) to the predatory animal ~~special revenue account~~ fund provided for in 81-7-106 in each fiscal year."

Section 21. Section 15-31-1004, MCA, is amended to read:

"**15-31-1004. Application for state certification.** (1) (a) A production company may not receive the tax credit provided for in 15-31-1007 unless the production has been certified by the department of commerce as provided in this section.

(b) A postproduction company may not receive the tax credit provided for in 15-31-1009 unless the postproduction company has been certified by the department of commerce. The postproduction company shall submit an application that includes the information provided for in subsection (2)(a) for the postproduction company. The application must be submitted in the year in which the postproduction plans to claim the credit and must be accompanied by a $500 application fee. For the purposes of allocating the credit pursuant to 15-31-1010, the application must contain an estimate of the amount of credit the postproduction company will claim. A postproduction company that plans to claim the credit in more than 1 tax year must apply for the credit each year, but the application fee is only required in the first year of application. The department of commerce shall notify the applicant whether the postproduction company qualifies for the credit within 30 days of receipt of the application.

(2) An application, on a form provided by the department of commerce, must be submitted by the production company to the department of commerce before the start of principal photography. The application

must be accompanied by a $500 fee and must include:

(a) the production company's name, primary business address, telephone and fax numbers, incorporation information, federal tax identification number, and the name of at least one principal company officer or manager;

(b) the address and telephone and fax numbers of the production company's Montana office;

(c) the name of the line producer, unit production manager, or production accountant;

(d) a statement that the applicant meets the definition of production company in 15-31-1003;

(e) the title of the production;

(f) the type of production;

(g) the proposed dates of production from preproduction to the start and completion of principal photography;

(h) a copy or synopsis of the production script;

(i) a list of production locations;

(j) a statement that the proposed production does not contain any material or performance that would be considered obscene under 45-8-201(2);

(k) a statement that the production will include a qualified Montana promotion; and

(l) a statement that the production company plans to make a base investment of $350,000 or more or, if subsection (5) applies, that the production company plans to make a base investment of $50,000 or more.

(3) The application must be signed by the manager, agent, president, vice president, or other person authorized to represent the production company.

(4) (a) The department of commerce shall notify the applicant within 30 days of receipt of the application as to whether the production qualifies as a state-certified production.

(b) If the department of commerce approves the application, the department of commerce shall provide a certification number to the applicant.

(5) The department of commerce may approve on a case-by-case basis an application for a commercial, music video, production for website creation, video game, interactive entertainment, or experimental or low-budget project that plans a base investment of less than $350,000 but more than $50,000.

(6) (a) If the department of commerce determines that the production company has violated the provisions of subsection (2)(j) or (2)(k), the department of commerce may revoke the state certification of the production. If the department of commerce revokes the state certification, the department of commerce shall notify the department of revenue. The production company has the right to a hearing before the department of commerce on the revocation of the state certification as provided in Title 2, chapter 4, part 6.

(b) The department of revenue shall recapture any tax credit claimed by a production company for which the state certification has been revoked. The recapture is subject to penalties and interest as provided in 15-1-216.

(c) If the production company transferred the tax credit, the recapture provisions of 15-31-1008(7) apply.

(7) The department of commerce shall design and furnish the Montana screen credit needed to qualify for the additional tax credit provided for in 15-31-1007(3)(b)(ix) and the programming promoting Montana destinations provided for in 15-31-1003(15)(e).

(8) The application fee must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. The fee is statutorily appropriated to the department of commerce, as provided in 17-7-502, to administer the provisions of 15-31-1004 through 15-31-1012.

(9) The department of commerce shall prescribe rules necessary to carry out the provisions of this section, including a procedure for review of the department of commerce's denial or revocation of state certification, the department's policies on the types of productions that may include the Montana screen credit, and the criteria for approving projects with a base investment of less than $350,000."

Section 22. Section 15-65-121, MCA, is amended to read:

"**15-65-121. Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department of revenue. The department of revenue may spend from that ~~account~~ fund in accordance with an ~~expenditure~~ appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsection (2) of this section,

the department of revenue shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department of revenue shall distribute the portion of the 4% deducted from the state agencies in-state lodging calculation that was paid with federal funds to the department of administration for return to the federal government.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the ~~expenditure~~ appropriation or distributed to agencies that paid the tax with federal funds must be transferred to individual ~~accounts~~ funds in the state special revenue fund type as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.5% to the invasive species state special revenue ~~account~~ fund established in 80-7-1004;

(e) 24.5% to be used by the department of commerce for tourism media, advertising film programs, made-in-Montana promotions and main street programs, wayfinding and signage, and support to trade offices;

(f) 16.5% to be used by the department of commerce for rural tourism, under-visited area attraction projects, and tribal tourism, including infrastructure, marketing, and promotional activities;

(g) 15.5% to be used by the department of commerce for tourism-related emergency services and tourism grants, including agritourism grants and Montana-based film grants;

(h) 2.5% to be used by the department of commerce in collaboration with the office of economic development established in 2-15-218 for regional tourism assistance, new tourism attractions, and other state business development programs;

(i) (i) except as provided in subsection (2)(i)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county,

resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(j) 0.5% to the state special revenue ~~account~~ fund provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region;

(k) 2.5% to the Montana historical interpretation state special revenue ~~account~~ fund established in 22-3-115;

(l) 2.5% to the emergency lodging and recovery for victims of domestic violence or human trafficking ~~account~~ fund established in 44-4-1506;

(m) 2% to the Montana heritage preservation and development ~~account~~ fund provided for in 22-3-1004;

(n) any unspent funds from the ~~accounts~~ funds in subsections (2)(e) through (2)(h) must be deposited in the ~~account~~ fund of subsection (2)(e) by October 1 of each year; and

~~(o) $250,000 in each year of the biennium beginning July 1, 2025, to the Montana heritage commission for projects at Reeder's Alley in Helena and Grace Methodist Church in Virginia City.~~

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under ~~15-68-820(5)(b)(iii)~~ 15-68-820(4)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c) and (2)(e) through (2)(i) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to state special revenue accounts pursuant to subsection (2) are subject to appropriation by the legislature."

Section 23. Section 15-68-820, MCA, is amended to read:

"**15-68-820. Sales tax and use tax proceeds.** (1) Except as provided in subsections (2) through (6), all money collected under this chapter must, in accordance with the provisions of 17-2-124, be deposited by the department into the general fund.

(2) Twenty-five percent of the revenue collected on the base rental charge for rental vehicles under 15-68-102(1)(b) and 15-68-102(3)(a)(ii) must be deposited in the state special revenue fund to the credit of the senior citizen and persons with disabilities transportation services account provided for in 7-14-112.

~~(3) Until December 31, 2024, a portion of the revenue collected on the sale or use of accommodations and campgrounds under 15-68-102(1)(a) and (3)(a)(i) must be deposited as follows:~~

~~(a) 20% in the account established in 22-3-1303 for construction of the Montana heritage center; and~~

~~(b) 5% in the account established in 22-3-1307 for historic preservation grants.~~

~~(4)~~(3) ~~Starting January 1, 2025, a~~ A portion of the revenue collected on the sale or use of accommodations and campgrounds under 15-68-102(1)(a) and (3)(a)(i) must be deposited or distributed as follows:

(a) 6% in the ~~account~~fund established in 22-3-1304 for operation and maintenance of the Montana heritage center;

(b) 6% distributed as provided in subsection ~~(5)~~(4);

(c) 6% in the ~~account~~ fund established in 22-3-1307 for historic preservation grants; and

(d) 7% in the ~~account~~ fund established in 17-7-209.

~~(5)~~(4) (a) Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsection ~~(5)~~(4)(b) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 1% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 1% that was paid with federal funds to the department of administration for return to the federal government and deposit 30% of

the amount deducted less the portion paid with federal funds in the state general fund.

(b) The balance of the tax proceeds received each reporting period and not distributed to agencies that paid the tax with federal funds must be transferred to ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the department of fish, wildlife, and parks, and to the state-tribal economic development commission as follows:

(i) 7% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(ii) 68.5% to be used directly by the department of commerce;

(iii) (A) except as provided in subsection ~~(5)(b)(iii)(B)~~ (4)(b)(iii)(B), 24% to be distributed by the department of commerce to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(B) if 24% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district; and

(iv) 0.5% to the state special revenue ~~account~~ fund provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region.

~~(6)~~(5) The tax proceeds received that are transferred to a state special revenue ~~account~~ fund pursuant to subsection ~~(5)(b)~~ (4)(b) are allocated to the entities."

Section 24. Section 15-70-125, MCA, is amended to read:

"**15-70-125. Highway nonrestricted ~~account~~fund.** There is a highway nonrestricted ~~account~~ fund in the state special revenue fund type established in 17-2-102. All interest and penalties collected under this chapter, except those collected by a justice's court, must, in accordance with the provisions of 17-2-124, be placed in the highway nonrestricted ~~account~~ fund. All interest and income earned on the ~~account~~ fund must be deposited to the credit of the ~~account~~ fund and any unexpended balance in the ~~account~~ fund must remain in the

~~account~~ fund."

Section 25. Section 15-70-451, MCA, is amended to read:

"**15-70-451. Tribal motor fuels administration ~~account~~fund.** (1) There is a tribal motor fuels administration ~~account~~ fund in the state special revenue fund type established in 17-2-102.

(2) The department shall deposit in the tribal motor fuels administration ~~account~~ fund administrative expenses and refunds deducted under a cooperative agreement provided for in 15-70-450.

(3) The department of transportation or the department of justice may expend the tribal motor fuels administration ~~account~~ fund only for the purposes of administering the gasoline tax and providing refunds under a cooperative agreement."

Section 26. Section 15-70-452, MCA, is amended to read:

"**15-70-452. Tribal motor fuels tax ~~account~~fund.** (1) There is a tribal motor fuels tax ~~account~~ fund in the state special revenue fund type established in 17-2-102.

(2) The department shall deposit in the tribal motor fuels tax ~~account~~ fund the tax collected under 15-70-450, except the administrative expenses and refunds deducted under a cooperative agreement.

(3) The money in the tribal motor fuels tax ~~account~~ fund must be disbursed to the tribe quarterly, as provided for in the agreement entered into pursuant to 15-70-450."

Section 27. Section 16-12-122, MCA, is amended to read:

"**16-12-122. Healing and ending addiction through recovery and treatment ~~account~~ fund-- report.** (1) There is a healing and ending addiction through recovery and treatment ~~account~~ fund in the state special revenue fund type established in 17-2-102. The ~~account~~ fund consists of money transferred to the ~~account~~ fund pursuant to 16-12-111.

(2) Revenue in the ~~account~~ fund must be used to provide statewide programs for:

(a) substance use disorder prevention;

(b) youth suicide prevention;

(c) mental health promotion; and

(d) crisis, treatment, and recovery services for substance use and mental health disorders. The services include but are not limited to crisis stabilization services as defined in 53-21-1401 and provided under Title 53, chapter 6, or Title 53, chapter 21, part 14.

(3) The programs must be designed to:

(a) increase the number of individuals choosing treatment over incarceration;

(b) improve access to, utilization of, and engagement and retention in prevention, treatment, and recovery support services;

(c) expand the availability of community-based services that reflect best practices or are evidence-based;

(d) leverage additional federal funds when available for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11, and the medicaid program provided for in Title 53, chapter 6, for the purposes of this section;

(e) provide funding for programs and services that are described in subsections (2)(a) through (2)(d) and provided on an Indian reservation located in this state; or

(f) provide funding for grants and services to tribes for use in accordance with this section.

(4) (a) An amount not to exceed $500,000, including eligible federal matching sources when applicable, must be used to provide funding for grants and services to tribes for tobacco prevention and cessation, substance use disorder prevention, mental health promotion, and substance use disorder and mental health crisis, treatment, and recovery services.

(b) The department of public health and human services shall:

(i) manage the programs ~~funded by~~ with appropriations from the special revenue ~~account~~ fund;

(ii) adopt rules to implement the programs; and

(iii) provide a written report to the children, families, health, and human services interim committee, in accordance with 5-11-210, no later than September 1 of each year on the programs, grants, and services funded under this section. The report must include the amount of funding each program received.

(5) The legislature shall appropriate money from the state special revenue ~~account~~ fund provided for in this section for:

(a) the chemical dependency treatment room and board voucher program provided for in 53-24-

218; and

(b) the programs referred to in this section.

(6) Programs funded under this section must be funded through contracted services with service providers. (Subsection (5)(a) terminates June 30, 2027--sec. 7, Ch. 187, L. 2023.)"

Section 28. Section 17-2-102, MCA, is amended to read:

"**17-2-102. Fund structure.** For the purpose of ensuring strict accountability for all revenue received and spent, there are in the state treasury only the following fund categories and types:

(1) the governmental fund category, which includes:

(a) the general fund, which accounts for all financial resources except those required to be accounted for in another fund;

(b) the special revenue fund ~~type~~group, which accounts for the proceeds of specific revenue sources (other than private purpose trusts or major capital projects) that are legally restricted to expenditure for specified purposes. The financial activities of the special revenue fund type are subdivided, for operational purposes, into the following ~~funds~~ fund types to serve the purpose indicated:

(i) The state special revenue fund type consists ~~of~~ funds or accounts containing money and other proceeds from state and other nonfederal sources deposited in the state treasury that ~~is~~are earmarked for the purposes of defraying particular costs of an agency, program, or function of state government and money and other proceeds from other nonstate or nonfederal sources that is restricted by law or by the terms of an agreement, such as a contract, trust agreement, or donation.

(ii) The federal special revenue fund type consists ~~of~~ funds or accounts containing money deposited in the treasury from federal sources, including trust income, that is used for the operation of state government.

(c) the capital projects fund type, funds or accounts containing which ~~accounts~~ provides for financial resources to be used for the acquisition or construction of major capital facilities, other than those financed by proprietary funds or trust funds;

(d) the debt service fund type, funds or accounts containing which ~~accounts~~ provides for the accumulation of resources for and the payment of general long-term debt principal and interest; and

(e) the permanent fund type, funds or accounts containing which ~~accounts~~ provides for financial resources that are legally restricted to the extent that only earnings, but not principal, may be used;

(2) the proprietary fund ~~category~~group, which includes:

(a) the enterprise fund type, funds or accounts containing which ~~accounts~~ provides for operations:

(i) that are financed and operated in a manner similar to private business enterprises whenever the intent of the legislature is that costs (i.e., expenses, including depreciation) of providing goods or services to the general public on a continuing basis are to be financed or recovered primarily through user charges; or

(ii) whenever the legislature has decided that periodic determination of revenue earned, expenses incurred, or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes; and

(b) the internal service fund type, funds and accounts containing which ~~accounts~~ provides for the financing of goods or services provided by one department or agency to other departments or agencies of state government or to other governmental entities on a cost-reimbursed basis;

(3) the fiduciary fund ~~category~~group, which includes trust and custodial fund types consisting of funds or accounts used to ~~account~~ provide for assets held by state government in a trustee capacity or as an agent for individuals, private organizations, other governmental entities, or other funds. These include the:

(a) private purpose trust fund type;

(b) investment trust fund type;

(c) pension and other employee benefit trust fund type; and

(d) custodial fund type.

(4) the higher education funds, which include:

(a) the current fund, which accounts for money deposited in the state treasury that is used to pay current operating costs relating to instruction, research, public service, and allied support operations and programs conducted within the Montana university system. The financial activities of the current fund are subdivided, for operational purposes, into the four following subfunds to serve the purpose indicated:

(i) The unrestricted subfund segregates that portion of the current fund's financial resources that can be expended for general operations and is free of externally imposed restrictions, except those imposed by the legislature.

(ii) The restricted subfund segregates that portion of the current fund's financial resources that can be expended for general operations but only for purposes imposed by sources external to the board of regents and the legislature.

(iii) The designated subfund segregates that portion of the current fund's financial resources that is associated with general operations but is separately classified in order to accumulate costs that are to be recharged as allocated to other funds or subfunds, identifies financial activities related to special organized activities of educational departments in which the activity is fully supported by supplemental assessments, and identifies special supply and facility fees that are approved for collections beyond normal course fees and their disposition.

(iv) The auxiliary subfund segregates that portion of the current fund's financial resources that is devoted to providing essential on-campus services primarily to students, faculty, or staff in which a fee that is directly related to but does not necessarily equal the cost of the service provided is charged to the consumer.

(b) the student loan fund, which accounts for money deposited in the state treasury that may be loaned to students, faculty, or staff for purposes related to education, organized research, or public services by the Montana university system;

(c) the endowment fund, which accounts for money deposited in the state treasury by the Montana university system in which the principal portion of the amount received is nonexpendable but is available for investment. Expendable earnings on endowment funds are to be transferred to appropriate operating funds pursuant to prevailing administrative requirements.

(d) the annuity and life income fund, which accounts for money deposited in the state treasury by the Montana university system under an agreement by which the money is made available on the condition that the receiving unit of the Montana university system binds itself to pay stipulated amounts periodically to the donor or others designated by the donor over a specified period of time;

(e) the plant fund, which accounts for those financial resources allocated to or received by the Montana university system for capital outlay purposes or to retire long-term debts associated with construction or acquisition of fixed assets and the net accumulative results of these activities; and

(f) the custodial fund, which accounts for money deposited in the state treasury for which the Montana university system acts in the capacity of a custodian or fiscal agent for individual students, faculty,

staff, and qualified organizations."

Section 29. Section 17-2-103, MCA, is amended to read:

"**17-2-103. Previous definitions of funds -- identification or segregation of money and funds.** (1) It is the intent of the legislature that the definitions in 17-2-102 supersede all previous definitions of public funds that are inconsistent with the definitions found in this part.

(2) Any laws enacted or any contracts entered into in pursuance of law that require the segregation of money in the state treasury by means of a separate treasury fund must be interpreted as permitting the segregation of the money by means of a fund or a subfund ~~or account~~ within one of the ~~funds~~ fund types created by 17-2-102.

(3) Each federal grant or other federal money within any fund or subfund ~~or account~~ of one of the ~~funds~~ fund types created by 17-2-102(1) through (3) must be identifiable as a separate ~~accounting entity~~ fund, reporting center, responsibility center, or revenue identification code, and an account must be made of each grant or other money by income and expenditure for each federal grant year or fiscal year as may be applicable.

(4) Unless otherwise specifically provided in the statutes pertaining to the tax, the portion of taxes collected by the state that, pursuant to a statute, are to be allocated or distributed to units of local government, school districts, authorities, or other local governmental entities must be accounted for in a fund in the state special revenue fund type, established in 17-2-102, as prescribed by the department in accordance with generally accepted accounting principles."

Section 30. Section 17-2-107, MCA, is amended to read:

"**17-2-107. Accurate accounting records and interentity loans.** (1) The department shall record receipts and disbursements for treasury funds and for ~~accounting entities~~ other funds within treasury ~~funds~~ fund types and shall maintain records in a manner that reflects the total cash and invested balance of each fund and each ~~accounting entity~~ fund. The department shall adopt the necessary procedures to ensure that interdepartmental or intradepartmental transfers of money or loans do not result in inflation of figures reflecting total governmental costs and revenue.

(2) (a) Except as provided in 77-1-108 and subject to 17-2-105, when the expenditure of an appropriation from a fund type designated in 17-2-102(1) through (3) is necessary and the cash balance in the ~~accounting entity~~ fund from which the appropriation was made is insufficient, the department may authorize a temporary loan, bearing no interest, of unrestricted money from other ~~accounting entities~~ funds if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. ~~An accounting entity~~A fund receiving a loan or ~~an accounting entity~~ a fund from which a loan is made may not be so impaired that all proper demands on the ~~accounting entity~~ fund cannot be met even if the loan is extended.

(b) (i) When an expenditure from a fund or subfund designated in 17-2-102(4) is necessary and the cash balance in the fund or subfund from which the expenditure is to be made is insufficient, the commissioner of higher education may authorize a temporary loan, bearing interest as provided in subsection (4) of this section, of money from the agency's other funds or subfunds if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. A fund or subfund receiving a loan or from which a loan is made may not be so impaired that all proper demands on the fund or subfund cannot be met even if the loan is extended.

(ii) One ~~accounting entity~~ fund within each fund ~~or subfund~~ type designated in 17-2-102(4) must be established for the sole purpose of recording loans between the funds or subfunds. This ~~accounting entity~~ fund is the only ~~accounting entity~~ fund within each fund or subfund that may receive a loan or from which a loan may be made.

(c) A loan made under subsection (2)(a) or (2)(b) must be repaid within 1 calendar year of the date on which the loan is approved unless it is extended under subsection (3) or by specific legislative authorization.

(3) Under unusual circumstances, the director of the department or the board of regents may grant one extension for up to 1 year for a loan made under subsection (2)(a) or (2)(b). The director or board shall prepare a written justification and proposed repayment plan for each loan extension authorized and shall furnish a copy of the written justification and proposed repayment plan to the house appropriations and senate finance and claims committees at the next legislative session.

(4) Any loan from the current unrestricted subfund to funds designated in 17-2-102(4)(a)(iv) and (4)(b) through (4)(f) must bear interest at a rate equivalent to the previous fiscal year's average rate of return on

the board of investments' short-term investment pool.

(5) If for 2 consecutive fiscal yearends a loan or an extension of a loan has been authorized to the same ~~accounting entity~~ fund as provided in subsection (2) or (3), the department or the commissioner of higher education shall submit to the legislative fiscal analyst by September 1 of the following fiscal year a written report containing an explanation as to why the second loan or extension was made, an analysis of the solvency of the ~~accounting entity or accounting entities~~ fund or funds within the university fund or subfund type, and a plan for repaying the loans. The report must be provided in an electronic format. The department or the commissioner of higher education shall provide a copy of the report to the legislature in accordance with 5-11-210.

(6) If for 2 consecutive fiscal yearends ~~an accounting entity in~~ a fund or subfund designated in 17-2-102(4) has a negative cash balance, the commissioner of higher education shall submit to the legislative fiscal analyst by September 1 of the following fiscal year a written report containing an explanation as to why the ~~accounting entity~~ fund has a negative cash balance, an analysis of the solvency of the ~~accounting entity~~ fund or funds, and a plan to address any problems concerning the ~~accounting entity's~~ fund's negative cash balance or solvency. The report must be provided in an electronic format. The commissioner of higher education shall provide a copy of the report to the legislature in accordance with 5-11-210.

(7) (a) (i) Except as provided in subsection (7)(a)(ii) of this section, ~~an accounting entity~~a fund in a fund type designated in 17-2-102(1) through (3) may not have a negative cash balance at fiscal yearend. Except as provided in subsection (9) of this section, the department may allow a fund type within each agency to carry a negative balance at any point during the fiscal year if the negative cash balance does not exist for more than 7 working days.

(ii) ~~An accounting entity~~ A fund in ~~a~~the federal special revenue fund type described in 17-2-102(1)(b)(ii) may have a negative cash balance at fiscal yearend.

(b) (i) Except as provided in subsection (7)(b)(ii) of this section, a unit of the university system shall maintain a positive cash balance in the funds and subfunds designated in 17-2-102(4).

(ii) If a fund or subfund inadvertently has a negative cash balance, the department may allow the fund or subfund to carry the negative cash balance for no more than 7 working days. If the negative cash balance exists for more than 7 working days, a transaction may not be processed through the statewide accounting, budgeting, and human resource system for that fund or subfund.

(8) Notwithstanding the provisions of subsections (2) through (4), the department may authorize loans to ~~accounting entities~~ funds in the state special revenue ~~funds~~ fund type with long-term repayment whenever necessary because of the timing of the receipt of agreed-upon reimbursements from private or other governmental entity sources for disbursements made. If possible, the loans must be made from funds other than the general fund. The department may approve the loans if the requesting agency can demonstrate that the total loan balance does not exceed total receivables from private or other governmental entity sources and that receivables have been billed on a timely basis. The loan must be repaid under terms and conditions that may be determined by the department or by specific legislative authorization.

(9) Federal special revenue funds described in 17-2-102(1)(b)(ii) may not have a negative cash balance by fund type for more than 7 working days unless the requesting agency certifies to the department that it has and will continue to bill the federal government for the requesting agency's share of costs incurred in the fund ~~or accounting entity~~ on the earliest date allowable under federal regulations applicable to the program. The requesting agency shall recertify its timely billing status to the department for any month during which cash is negative for more than 7 working days. If at any time the requesting agency fails to recertify the timely billing, a transaction may not be processed through the statewide accounting, budgeting, and human resource system for that fund or subfund.

(10) A loan may not be authorized under this section to any fund ~~or accounting entity~~ that is owed third-party funds unless the requesting agency certifies to the department that it has billed and will continue to bill the third party for the requesting agency's share of costs incurred in the fund ~~or accounting entity~~ on the earliest date allowable under the third party's regulations applicable to the program. The requesting agency shall recertify its timely billing status to the department at least monthly during the term of the loan. If at any time the requesting agency fails to recertify the timely billing, a transaction may not be processed through the statewide accounting, budgeting, and human resource system for that fund or subfund."

Section 31. Section 17-6-407, MCA, is amended to read:

"**17-6-407. Microbusiness development loan ~~account~~ fund -- criteria -- limitations.** (1) (a) There is a fund in the state special revenue fund ~~a~~ type established in 17-2-102 known as the microbusiness development loan ~~account~~ fund into which ~~funds~~ money allocated for that purpose and money received in

repayment of the principal of development loans must be deposited.

(b) The department may make development loans from the ~~account~~ fund to a certified microbusiness development corporation.

(2) There is an economic development state special revenue ~~account~~ fund created in 90-1-205 in which the following money must be deposited:

(a) all interest received on development loans received directly from microbusiness development corporations;

(b) service charges or fees received from certified microbusiness development corporations;

(c) grants, donations, and private or public income; and

(d) all interest earned on money in the ~~account~~ fund and interest earned on money in the ~~account~~ fund provided for in subsection (1)(a).

(3) Subject to subsection (1), a certified microbusiness development corporation that receives a development loan may apply for an additional loan if the applicant meets the performance criteria established by the department.

(4) To establish the criteria for making development loans, the department shall consider:

(a) the plan for providing services to microbusinesses;

(b) the scope of services to be provided by the certified microbusiness development corporation;

(c) the geographic representation of all regions of the state, including urban, rural, and tribal communities;

(d) the plan for providing service to minorities, women, and low-income persons;

(e) the ability of the corporation to provide business training and technical assistance to microbusiness clients;

(f) the ability of the corporation, with a plan, to:

(i) monitor and provide financial oversight of recipients of microbusiness loans;

(ii) administer a revolving loan fund; and

(iii) investigate and qualify financing proposals and to service credit accounts;

(g) sources and sufficiency of operating funds for the certified microbusiness development corporation; and

(h) the intent of the corporation, with a plan and written indications of local institutional support, to provide services to a designated multicounty region of the state.

(5) Development loan funds may be used by a certified microbusiness development corporation to:

(a) satisfy matching fund requirements for other state, federal, or private funding only if funding is intended and used for the purpose of providing or enhancing the certified microbusiness development corporation's ability to provide and administer loans, technical assistance, or management training to microbusinesses;

(b) establish a revolving loan fund from which the certified microbusiness development corporation may make loans to qualified microbusinesses, provided that a single loan does not exceed $100,000 and the outstanding balance of all loans to a microbusiness or a project participated in by more than one microbusiness or to two or more microbusinesses in which any one person holds more than a 20% equity share does not exceed $100,000;

(c) establish a guarantee fund from which the certified microbusiness development corporation may guarantee loans made by financial institutions to qualified microbusinesses. However, a single guarantee may not exceed $100,000, and the aggregate of all guarantees to a microbusiness or a project participated in by more than one microbusiness or to two or more microbusinesses in which any one person holds more than a 20% equity share may not exceed $100,000.

(6) Development loan funds may not be:

(a) loaned for relending or investment in stocks, bonds, or other securities or for property not intended for use in production by the recipient of the loan; or

(b) used to:

(i) refinance a nonperforming loan held by a financial institution; or

(ii) pay the operating costs of a certified microbusiness development corporation. However, interest income earned from the proceeds of a development loan may be used to pay operating expenses.

(7) Certified microbusiness development corporations are required to contribute cash from other sources to leverage and secure development loans from the program. Contributions provided by the corporation must be on a ratio of at least $1 from other sources for each $6 from the program. These contributions may come from a public or private source other than the program and may be in the form of equity

capital, loans, or grants.

(8) Development loans must be made pursuant to a development loan agreement and may be amortization or term loans, bear interest at less than the market rate, be renewable, be callable, and contain other terms and conditions considered appropriate by the department and that are consistent with the purposes of and with rules promulgated to implement this part.

(9) Each certified microbusiness development corporation that receives a development loan under this part shall provide the department with an annual audit from an independent certified public accountant. The audit must cover all of the microbusiness development corporation's activities and must include verification of compliance with requirements specific to the microbusiness program.

(10) A certified microbusiness development corporation that is in default for nonperformance under rules established by the department may be required to refund the outstanding balance of development loans awarded prior to the default declaration. A development loan is secured by a first lien on all funds and all receivables administered under the authority of the microbusiness development act by the corporation receiving the loan."

Section 32. Section 17-6-603, MCA, is amended to read:

"**17-6-603. Montana tobacco settlement trust fund -- state special revenue fund ~~account~~.** (1) Nine-tenths of the interest and income derived from the trust fund on or after January 1, 2001, must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 and is subject to appropriation in accordance with subsection (3). One-tenth of the interest and income derived from the trust fund must remain in the trust fund.

(2) In addition to the money required to be deposited in the trust fund as principal, the legislature may deposit additional money in the trust fund as principal.

(3) The legislature shall appropriate money from the state special revenue fund account provided for in subsection (1) for programs for tobacco disease prevention and for state programs that provide benefits, services, or coverage of health care needs.

(4) The money appropriated under this section may not be used to replace state or federal money used to fund programs for tobacco disease prevention or state programs in existence on December 31, 1999,

that provide benefits, services, or coverage of health care needs."

Section 33. Section 17-7-209, MCA, is amended to read:

"**17-7-209. Capital developments long-range building program ~~account~~ fund.** (1) (a) There is a capital developments long-range building program ~~account~~ fund in the capital projects fund type established in 17-2-102 to fund capital developments and to retire general obligation bonds paid by the general fund.

(b) If there ~~are funds~~ is money in excess of the amount needed for appropriations from the capital developments long-range building program ~~account~~ fund in the capital projects fund type, then the excess ~~funds~~money:

(i) may be used to pay down the principal, interest, premiums, and any costs or fees associated with redeeming or defeasing outstanding general obligation bonds paid by the general fund for capital projects previously authorized and issued pursuant to state law; and

(ii) must be used to forego or reduce the amount of an issuance of general obligation bonds paid by the general fund and authorized pursuant to state law only if the balance in the capital developments long-range building program ~~account~~ fund established in 17-7-209 is $100 million or more after reducing the ~~account~~ fund balance by:

(A) the amount needed for appropriations from the ~~account~~ fund; and

(B) the amount of funds money used to forego or reduce the issuance of general obligation bonds paid by the general fund.

(2) Interest earnings, project carryover ~~funds~~money, administrative fees, and miscellaneous revenue must be retained in the account.

(3) For the purposes of subsection (1)(b)(i), ~~funds are~~the fund is statutorily appropriated pursuant to 17-7-502(4) ~~from this account~~."

Section 34. Section 17-7-215, MCA, is amended to read:

"**17-7-215. (Temporary) Transfer of budgeted utility funds -- special revenue ~~account~~ fund -- university plant subfunds.** (1) (a) For each fiscal year, each state agency, other than the university system, participating in the high-performance program for operations and maintenance of existing buildings created in

17-7-214 may transfer to the special revenue ~~account~~ fund established in subsection (1)(b) 75% of any amount remaining in the budgeted operating expenses for building maintenance. Only state funds may be transferred.

(b) The architecture and engineering division of the department of administration shall establish ~~a special revenue account~~a fund in the state special revenue fund type established in 17-2-102 to receive transfers made pursuant to subsection (1)(a). Money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department for the purposes of this part. All interest and income earned on money in the ~~account~~ fund must be deposited into the ~~account~~ fund.

(c) The division shall administer the special revenue ~~account~~ fund established in subsection (1)(b) to the credit of each participating agency for the purposes of subsection (3).

(2) The Montana university system may establish a subfund of the plant fund provided for in 17-2-102(4)(e) to receive the transfer made for each educational unit participating in the program established under 17-7-214. At the end of each fiscal year, a participating educational unit may transfer to the unit's subfund 75% of the unit's unspent utility funds. All interest and income earned on the money in the subfund must remain in the subfund. The educational unit may use the money in the unit's subfund for the purposes described in subsection (3).

(3) The money in the state special revenue ~~account~~ fund and in any university plant subfunds created pursuant to subsection (2) is designated for the purpose of financing high-performance operations and maintenance and achieving utility cost reductions. (Terminates June 30, 2029--sec. 1, Ch. 408, L. 2019.)"

Section 35. Section 17-7-221, MCA, is amended to read:

"**17-7-221. Major repair long-range building program ~~account~~fund.** (1) There is a major repair long-range building program ~~account~~ fund in the capital projects fund type established in 17-2-102 to fund major repair projects.

(2) Cigarette tax revenue is deposited in the ~~account~~ fund pursuant to 16-11-119.

(3) Coal severance taxes are allocated to and deposited in the ~~account~~ fund under 15-35-108.

(4) Interest earnings, project carryover ~~funds~~money, administrative fees, and miscellaneous revenue must be retained in the ~~account~~ fund."

Section 36. Section 18-5-417, MCA, is amended to read:

"**18-5-417. Vending machine special revenue ~~account~~ fund-- purpose -- statutory appropriation.** (1) There is a vending machine ~~account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department of public health and human services.

(2) The department shall collect a percentage of income from vending machines on federal property and state property that are not operated by a blind vendor and deposit it in the ~~account~~ fund. The percentage of income to be collected may be established by the department through its authority under 18-5-414.

(3) Money deposited in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department and may be used only for the purposes of this part in a manner consistent with federal law."

Section 37. Section 20-4-109, MCA, is amended to read:

"**20-4-109. Fees for teacher and specialist certificates.** (1) (a) A person applying for the issuance or renewal of a teacher or specialist certificate shall pay a fee for each school fiscal year that the certificate is valid. In addition to this fee, a person who has never held any class of Montana teacher or specialist certificate or for whom an emergency authorization of employment has never been issued shall pay a filing fee. The fees must be paid to the superintendent of public instruction, who shall deposit the fees with the state treasurer to the credit of the ~~state special revenue~~ fund ~~account~~, created in subsection (2), to be used for fully ~~funding~~ providing the costs of administering the teacher and specialist licensure program at the office of public instruction, including operations and maintenance of the licensure system and personnel costs.

(b) The superintendent of public instruction shall recommend to the board of public education annual and filing fee amounts sufficient to generate the revenue required to administer the teacher and specialist licensure program. In recommending the fees, the superintendent shall consider the revenues and expenses incurred in the prior 5 licensing renewal years, but the cash balance of the ~~account~~ fund in subsection (2) may not exceed two times the ~~account's~~ fund's annual appropriation level. The recommendation must include documentation sufficient to support the fees charged to support the licensure program. The board of public education shall set the annual and filing fee amounts based on the superintendent's recommendation.

(2) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102.

Money from fees for teacher or specialist certificates required in subsection (1) must be deposited in the ~~account~~ fund and used for administering the teacher and specialist licensure program at the office of public instruction."

Section 38. Section 20-8-107, MCA, is amended to read:

"**20-8-107. Admission of nonresident children and advance payment of cost -- Indian children.** (1) Deaf or hard-of-hearing or visually impaired children who are not residents of the state of Montana may be admitted to the Montana school for the deaf and blind after proper application for admission, subject to all eligibility requirements prescribed for children who are residents of the state if:

(a) the school is paid in advance a sum of money for each child equal to an estimate of the whole per capita cost of maintaining the school during the year immediately preceding the date of the application; and

(b) the full capacity of the school is not required for children who are residents of the state.

(2) The Montana school for the deaf and blind is authorized to negotiate with an out-of-state educational institution to place a student at the school. If a group of out-of-state students attends the Montana school for the deaf and blind, the educational institution of the other state shall pay in advance to the Montana school for the deaf and blind an amount of money for each student determined as a result of a negotiated agreement between the superintendent of the Montana school for the deaf and blind and the out-of-state educational institution. The agreement must be approved by the board of public education.

(3) Indian children who are Montana residents are eligible for admission and must be admitted to the school on the same terms as residents.

(4) The money paid by an out-of-state institution must be deposited in ~~a state special revenue account~~ a fund in the state special revenue type established in 17-2-102 and is statutorily appropriated, pursuant to 17-7-502, to the Montana school for the deaf and blind for educational purposes.

(5) The provisions of 17-2-108 that require the expenditure of nongeneral fund money prior to the expenditure of general fund money do not apply to the expenditure of revenue made available to the Montana school for the deaf and blind from the negotiated agreements described in subsection (2) of this section and through the statutory appropriation provided for in subsection (4) of this section."

Section 39. Section 20-9-336, MCA, is amended to read:

"**20-9-336. (Temporary) School equalization and property tax reduction account -- uses.** (1) There is a school equalization and property tax reduction account in the state special revenue fund. Contingent on appropriation by the legislature, money in the account is for distribution to school districts as the second source of funding for state equalization aid as provided in 20-9-343. At fiscal yearend, any fund balance in the account exceeding what was appropriated must be transferred to the guarantee account established in 20-9-622.

(2) The account receives revenue as described in 20-9-331, 20-9-333, and 20-9-360.

(3) (a) Beginning in fiscal year 2027, each December the superintendent of public instruction shall forecast the amount of revenue the account will receive in that fiscal year by dividing the sum of the taxable value of all property in the state reported by the department of revenue pursuant to 20-9-369 by 1,000 to determine a statewide value mill and then multiplying that amount by the total number of mills specified in 20-9-331, 20-9-333, and 20-9-360.

(b) If the forecasted amount in subsection (3)(a) differs from the amount determined through the same calculation in the prior fiscal year and is less by an amount greater than $2 million, then the superintendent shall:

(i) decrease the multiplier used to calculate the statewide elementary and high school guaranteed tax base ratios used for funding BASE budgets under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of guaranteed tax base aid distributed to eligible school districts equal to 85% of the decrease in the calculated amount between the 2 years; and

(ii) decrease the multiplier used to calculate the statewide elementary and high school mill value per ANB for school retirement guaranteed tax base purposes under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of retirement guaranteed tax base aid distributed to eligible counties equal to 15% of the decrease in the calculated amount between the 2 years.

(c) If the forecasted amount in subsection (3)(a) is greater than the amount determined through the same calculation in the prior fiscal year, the superintendent, using an amount equal to 50% of the forecasted revenue growth up to revenue growth of 105% of the prior fiscal year revenue plus all forecasted revenue growth above 105% of the prior fiscal year revenue, shall:

(i) first increase the multiplier used to calculate statewide mill value per elementary and high school ANB for retirement purposes under 20-9-366, not to exceed 305%, to the nearest whole number determined by the superintendent to result in an increase in the amount of guaranteed tax base aid distributed to eligible counties as close as mathematically possible to the excess amount determined in subsection (3)(c); and

(ii) if there is an excess amount remaining after the 305% cap is hit under subsection (3)(c)(i), then:

(A) the superintendent shall increase the percentages of the basic and per-ANB entitlements in 20-9-306[(2)(b) and] (3)(a) by whole numbers not to exceed 45.3% and 90% respectively, then the multiplier used to calculate the statewide elementary and high school guaranteed tax base ratios used for funding BASE budgets under 20-9-366 by whole numbers in a manner determined by the superintendent to result in an increase in the amount of guaranteed tax base aid distributed to eligible districts as close as mathematically possible to the excess amount remaining without an increase in the amount of BASE property taxes on a statewide basis; and

(B) in making the calculations under subsection (3)(c)(ii)(A) and in calculating the guaranteed tax base aid ratios under 20-9-366 for the ensuing school fiscal year, the superintendent shall utilize a GTBA budget area for the prior year based on the adjusted percentages of the basic and per-ANB entitlements.

(4) (a) The adjustments to the multipliers and percentages under subsection (3) are applicable to state equalization aid distributions in the fiscal year following the adjustment.

(b) Adjustments to the multipliers and percentages made under subsection (3) remain in effect in subsequent years unless further changed under 20-9-366 or subsection (3) of this section or as otherwise provided by law.

20-9-336. (Effective July 1, 2026) School equalization and property tax reduction ~~account~~ fund--uses. (1) There is a school equalization and property tax reduction ~~account~~ fund in the state special revenue fund type established in 17-2-102. Contingent on appropriation by the legislature, money in the ~~account~~ fund is for distribution to school districts as the second source of ~~funding~~ appropriation for state equalization aid as provided in 20-9-343. At fiscal yearend, any fund balance in the ~~account~~ fund exceeding what was appropriated must be transferred to the guarantee ~~account~~ fund established in 20-9-622.

(2) The ~~account~~ fund receives revenue as described in 20-9-331, 20-9-333, and 20-9-360.

(3) (a) ~~Beginning in fiscal year 2027, each~~ Each December the superintendent of public instruction shall forecast the amount of revenue the ~~account~~ fund will receive in that fiscal year by dividing the sum of the taxable value of all property in the state reported by the department of revenue pursuant to 20-9-369 by 1,000 to determine a statewide value mill and then multiplying that amount by the total number of mills specified in 20-9-331, 20-9-333, and 20-9-360.

(b) If the forecasted amount in subsection (3)(a) differs from the amount determined through the same calculation in the prior fiscal year and is less by an amount greater than $2 million, then the superintendent shall:

(i) decrease the multiplier used to calculate the statewide guaranteed tax base ratio for the countywide levy for BASE funding support under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of guaranteed tax base aid distributed to eligible counties equal to 85% of the decrease in the calculated amount between the 2 years; and

(ii) decrease the multiplier used to calculate the statewide elementary and high school mill value per ANB for school retirement guaranteed tax base purposes under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of retirement guaranteed tax base aid distributed to eligible counties equal to 15% of the decrease in the calculated amount between the 2 years.

(c) If the forecasted amount in subsection (3)(a) is greater than the amount determined through the same calculation in the prior fiscal year, the superintendent, using an amount equal to 50% of the forecasted revenue growth up to revenue growth of 105% of the prior fiscal year revenue plus all forecasted revenue growth above 105% of the prior fiscal year revenue, shall:

(i) first increase the multiplier used to calculate statewide mill value per elementary and high school ANB for retirement purposes under 20-9-366, not to exceed 305%, to the nearest whole number determined by the superintendent to result in an increase in the amount of guaranteed tax base aid distributed to eligible counties as close as mathematically possible to the excess amount determined in subsection (3)(c); and

(ii) if there is an excess amount remaining after the 305% cap is hit under subsection (3)(c)(i), then:

(A) the superintendent shall increase the percentages of the basic and per-ANB entitlements in 20-9-306 (3)(a) by whole numbers not to exceed 45.3% and 90% respectively, then the multiplier used to calculate the statewide elementary and high school guaranteed tax base ratios used for guaranteed tax base funding for the countywide levy for BASE funding support under 20-9-366 by whole numbers in a manner determined by the superintendent to result in an increase in the amount of guaranteed tax base aid distributed to eligible counties as close as mathematically possible to the excess amount remaining without an increase in the amount of countywide BASE funding levies on a statewide basis; and

(B) in making the calculations under subsection (3)(c)(ii)(A) and in calculating the guaranteed tax base aid ratios under 20-9-366 for the ensuing school fiscal year, the superintendent shall utilize a GTBA budget area for the prior year based on the adjusted percentages of the basic and per-ANB entitlements.

(4) (a) The adjustments to the multipliers and percentages under subsection (3) are applicable to state equalization aid distributions in the fiscal year following the adjustment.

(b) Adjustments to the multipliers and percentages made under subsection (3) remain in effect in subsequent years unless further changed under 20-9-366 or subsection (3) of this section or as otherwise provided by law."

Section 40. Section 20-9-622, MCA, is amended to read:

"**20-9-622. Guarantee ~~account~~fund.** (1) There is a guarantee ~~account~~ fund in the state special revenue fund type established in 17-2-102. The guarantee ~~account~~ fund is intended to:

(a) stabilize the long-term growth of the permanent fund; and

(b) maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the guarantee ~~account~~ fund. The guarantee ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, for distribution to school districts as the first source of ~~funding~~ appropriation for state equalization aid as provided in 20-9-343.

(2) Any excess interest and income revenue, as defined in 20-9-342, that is deposited in the guarantee ~~account~~ fund for distribution under this section must be transferred to the school facility and technology ~~account~~ fund provided for in 20-9-516."

Section 41. Section 20-10-203, MCA, is amended to read:

"**20-10-203. School food commodities.** The superintendent of public instruction is authorized to accept food commodities from the federal government and to distribute the food commodities to any district or nonpublic school that contracts for such distribution. The superintendent of public instruction may use for the shipping, handling, and other related costs of distributing the food commodities any funds advanced by legislative appropriation for the commodity state special revenue ~~account~~fund in the state special revenue fund type established in 17-2-102. Such distribution costs shall be reimbursed by the participating districts and nonpublic schools. Those reimbursements shall be returned to the fund from which payments for the distribution costs were made."

Section 42. Section 20-26-1501, MCA, is amended to read:

"**20-26-1501. Incentive for physicians practicing in rural areas or medically underserved areas or for underserved populations state special revenue ~~account~~fund.** There is an incentive for physicians practicing in rural areas or medically underserved areas or for underserved populations ~~state special revenue account~~fund in the state special revenue fund established in 17-2-102. Money is payable into the ~~account~~ fund as provided in 17-1-511, 20-25-810, and 20-26-1502. Income and earnings on the ~~account~~ fund must be redeposited in the ~~account~~ fund. The ~~account~~ fund must be administered by the board of regents as provided in this part."

Section 43. Section 22-3-1004, MCA, is amended to read:

"**22-3-1004. (Temporary) Montana heritage preservation and development ~~account~~ fund.** (1) (a) There is a Montana heritage preservation and development ~~account~~ fund in the state special revenue fund type established in 17-2-102 and in the federal special revenue fund type established in 17-2-102.

(b) The Montana heritage preservation and development commission shall deposit any federal money that the commission obtains into the appropriate ~~account~~ fund provided for in this section.

(2) Money deposited in the ~~accounts~~ funds must be used for:

(a) restoration, maintenance, and operation of historic properties in Virginia City and Nevada City; and

(b) restoring and maintaining historically significant properties in Montana that are in need of preservation.

(3) Unless otherwise prohibited by law or agreement, all interest earned on money in the ~~accounts~~ funds must be deposited in the state special revenue fund to the credit of the commission. (Terminates June 30, 2027--sec. 12, Ch. 563, L. 2021.)

22-3-1004. (Effective July 1, 2027) Montana heritage preservation and development ~~account~~ fund. (1) (a) There is a Montana heritage preservation and development ~~account~~ fund in the state special revenue fund type established in 17-2-102 and in the federal special revenue fund type established in 17-2-102.

(b) The Montana heritage preservation and development commission shall deposit any federal money that the commission obtains into the appropriate ~~account~~ fund provided for in this section.

(2) Money deposited in the ~~accounts~~ funds must be used for:

(a) restoration, maintenance, and operation of historic properties in Virginia City and Nevada City; and

(b) restoring and maintaining historically significant properties in Montana that are in need of preservation.

(3) The ~~accounts~~ funds are statutorily appropriated, as provided in 17-7-502, to the commission to be used as provided in this section.

(4) Unless otherwise prohibited by law or agreement, all interest earned on money in the ~~accounts~~ funds must be deposited in the state special revenue fund to the credit of the commission."

Section 44. Section 22-3-1304, MCA, is amended to read:

"**22-3-1304. Account -- Montana heritage center operations fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 known as the Montana heritage center operations ~~account~~ fund. The tax collections allocated in ~~15-68-820(4)(a)~~ 15-68-820(3)(a) must be deposited in the ~~account~~ fund. The money in the ~~account~~ fund may be used only for expenses incurred in the operation and maintenance of the Montana heritage center, which may include the veterans' and pioneer memorial building."

Section 45. Section 22-3-1307, MCA, is amended to read:

"**22-3-1307. Historic preservation grant program ~~account~~fund.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 known as the historic preservation grant program ~~account~~ fund. The tax collections allocated in ~~15-68-820(3)(b) and (4)(c)~~ 15-68-820(2)(b) and (3)(c) must be deposited in the ~~account~~ fund.

(2) Money deposited in the ~~account~~ fund is subject to appropriation by the legislature and may be used only for historic preservation grants to be administered by the department of commerce.

(3) The department shall allocate and disburse historic preservation ~~account~~ funds as appropriated by the legislature."

Section 46. Section 23-1-105, MCA, is amended to read:

"**23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) (a) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6).

(b) There must be deposited into a fund in the state special revenue fund established in 17-2-102 in the state treasury to the credit of the department:

(i) all money derived from the activities of the department, except as provided in subsection (5); and

(ii) money from marijuana taxes deposited under 16-12-111.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and is:

(a) 62 years of age or older;

(b) certified as disabled in accordance with rules adopted by the department; or

(c) a veteran of the armed forces. While camping at a discounted rate, the veteran shall carry proof of the person's veteran status, such as a DD form 214, U.S. department of veterans affairs identification card, or a driver's license indicating the person's veteran status.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person

is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection.

(6) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department.

(7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) ~~on or after January 1, 2012,~~ that is dedicated to state parks must be used by the department for maintenance and operation of state parks."

Section 47. Section 23-4-105, MCA, is amended to read:

"**23-4-105. Authority of board.** (1) The board shall license and regulate racing, match bronc rides, and wild horse rides and review race meets held in this state under this chapter. All percentages withheld from amounts wagered, amounts set aside pursuant to 23-4-202(4)(d), percentages collected pursuant to 23-4-204(3), percentages collected pursuant to 23-4-302(3) and (5)(b), and money collected pursuant to 23-4-304(1)(a) and (1)(b) must be deposited in a ~~state special revenue account~~ fund in the state special revenue

fund type established in 17-2-102 and ~~are~~ is statutorily appropriated to the board as provided in 17-7-502. The board shall then distribute all ~~funds~~ money collected under 23-4-202(4)(d), 23-4-204(3), 23-4-302(3) and (5)(b), and 23-4-304(1)(a) and (1)(b) to live race purses or for other purposes for the good of the existing horseracing industry. If the board decides to authorize new forms of racing, including new forms of simulcast racing, not currently authorized in Montana, the board shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board shall consider both the economic and safety impacts on the existing racing and breeding industry.

(2) ~~Funds~~ Money retained by the board in a state special revenue fund pursuant to 23-4-302(1) and (4) ~~are~~ is statutorily appropriated to the board as provided in 17-7-502 for the operation of a simulcast parimutuel network and for other purposes that the board considers appropriate for the good of the existing horseracing industry."

Section 48. Section 23-5-184, MCA, is amended to read:

"**23-5-184. Disposition of property.** (1) If the court finds that the personal property was not used for the purpose charged or was used without the knowledge or consent of the owner, it shall order the property released to the owner.

(2) If the court finds that the personal property was used for the purpose charged and was used with the knowledge or consent of the owner, the personal property shall be disposed of as follows:

(a) If proper proof of a claim is presented at the hearing by the holder of a security interest, the court shall order the personal property released to the holder of the security interest if the amount due the holder is equal to or in excess of the value of the personal property as of the date of seizure. If the amount due the holder of the security interest is less than the value of the personal property, the personal property may be sold at public auction by the law enforcement agency that seized the personal property in the manner provided by law for the sale of property under execution. The proceeds of the sale must first be used to pay the amount due to the holder of the security interest, with the remainder deposited in the ~~account~~ fund provided for in subsection (3). Instead of sale at public auction, the law enforcement agency may turn the personal property over to the holder of the security interest. The personal property may not be sold to an officer or employee of the law enforcement agency that seized the property or to a person related to an officer or employee by blood

or marriage.

(b) If there is no security interest claimant and the law enforcement agency that seized the personal property wishes to retain the property for its official use, it may do so. If the personal property is not retained, it must be sold at public auction by the law enforcement agency that seized the personal property in the manner provided by law for the sale of property under execution and the proceeds of the sale must be deposited in the ~~account~~ fund provided for in subsection (3).

(c) If a security interest claimant has presented proper proof of a claim and the law enforcement agency that seized the personal property wishes to retain the property for its official use, it may do so provided it compensates the claimant in the amount of the security interest outstanding at the time of the seizure.

(3) Any forfeited negotiable instruments must be liquidated to cash. All forfeited cash and the proceeds of liquidated negotiable instruments must be deposited in a ~~state special revenue account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department of justice. The department may expend the money deposited in the ~~account~~ fund only for purposes of enforcement of gambling laws.

(4) In making a disposition of personal property, the court may take any action to protect the rights of innocent persons."

Section 49. Section 23-7-402, MCA, is amended to read:

"**23-7-402. Disposition of revenue.** (1) A minimum of 45% of the money paid for tickets or chances must be paid out as prize money. The prize money is statutorily appropriated, as provided in 17-7-502, to the state lottery.

(2) Commissions paid to lottery ticket or chance sales agents are not a state lottery operating expense.

(3) That part of all gross revenue not used for the payment of prizes, commissions, and operating expenses, together with the interest earned on the gross revenue while the gross revenue is in the enterprise fund established in 17-2-102, is net revenue. Net revenue must be transferred quarterly from the enterprise fund established by 23-7-401 in the following order:

(a) the first $2.25 million of net revenue in each fiscal year must be transferred quarterly in equal

payments of $562,500 to the Montana STEM scholarship program special revenue ~~account~~ fund established in 20-26-617; and

(b) net revenue in excess of $2.25 million in each fiscal year must be transferred to the state general fund.

(4) The spending authority of the state lottery may be increased in accordance with this section upon review and approval of a revised operation plan by the office of budget and program planning."

Section 50. Section 30-10-115, MCA, is amended to read:

"**30-10-115. Deposits to general fund -- exceptions.** (1) Except as provided in subsection (2), all fees and miscellaneous charges received by the commissioner pursuant to parts 1 through 3 of this chapter must be deposited in the general fund.

(2) (a) All notice filing fees collected under 30-10-209(1)(d) and examination costs collected under 30-10-210 must be deposited in ~~the state special revenue fund in an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the state auditor's office. The ~~funds~~ money allocated by this subsection (2)(a) to the ~~state special revenue account~~ fund may be used only to defray the expenses of the state auditor's office in discharging its administrative and regulatory powers and duties in relation to notice filing under 30-10-209(1)(d) and examinations.

(b) Any fees in excess of the amount required for the purposes listed in subsection (2)(a) must be deposited in the general fund.

(c) ~~On or after July 1, 2019,~~ 3% of the total fees collected annually under 30-10-209(1)(b) must be deposited in the securities restitution assistance fund provided for in 30-10-1004. The remainder must be deposited in the general fund. On or after July 1, 2027, all fees collected annually under 30-10-209(1)(b) must be deposited in the general fund."

Section 51. Section 30-10-1004, MCA, is amended to read:

"**30-10-1004. (Temporary) Creation of securities restitution assistance fund.** (1) There is ~~an~~ ~~account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the commissioner for use only for securities restitution assistance. This ~~account~~ fund may be referred to as the "securities

restitution assistance fund" ~~or "fund"~~. The money in the fund is statutorily appropriated, as provided in 17-7-502, to the commissioner for the purposes provided in subsection (4) of this section.

(2) (a) The fund consists of amounts received by the commissioner from:

(i) persons who have violated any provision of parts 1 through 3 of this chapter;

(ii) persons who have voluntarily contributed to the fund; and

(iii) a portion of fees collected under 30-10-209(1)(b) as provided in 30-10-209(6)(b).

(b) Amounts received by the commissioner for deposit in the fund do not include administrative penalties or fines imposed under this chapter and as referenced under the Montana Administrative Procedure Act, Title 2, chapter 4, part 6.

(c) The amounts received for the fund may not be placed in the general fund.

(3) Amounts received by the commissioner for deposit in the fund must be promptly turned over to the state treasurer for deposit in the fund created under subsection (1).

(4) The fund may be used by the commissioner only to pay awards of restitution assistance under this part.

(5) Whenever a claimant is paid from the securities restitution assistance fund pursuant to this part, the securities restitution assistance fund is subrogated, to the extent of the payment to the claimant, to the rights of the claimant to any restitution ordered by the court beyond the amount that would make the claimant whole. The commissioner may, on behalf of the securities restitution assistance fund, file any document in a court of competent jurisdiction to enforce this right. (Terminates June 30, 2027--secs. 3, 4, Ch. 404, L. 2021.)"

Section 52. Section 30-14-143, MCA, is amended to read:

"**30-14-143. Disposition of civil fines, settlement proceeds, amounts awarded in judgments, costs, and fees.** (1) (a) Except as provided in subsection (1)(c), all civil fines, settlement proceeds not otherwise designated for a specific use pursuant to court order, amounts awarded in judgments, costs, and fees received or recovered by the department pursuant to this part must be deposited into ~~a state special revenue account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to this part.

(b) At the end of each biennium, the balance in the ~~state special revenue account~~ fund may not exceed three times the amount of the budget appropriated to the department to discharge its powers and duties under this part for that biennium. ~~Funds~~ Money that ~~are~~ is otherwise obligated to implement the provisions of the settlement agreement ~~are~~ is not considered part of the balance of the state special revenue ~~account~~ fund. Any excess civil fines, settlement proceeds not otherwise designated for a specific use pursuant to court order, amounts awarded in judgment, costs, or fees must be transferred to the general fund no later than the first business day in January of the subsequent biennium.

(c) All civil fines received or recovered by the department pursuant to 30-14-144 must be deposited in the general fund.

(2) All civil fines, settlement proceeds, amounts awarded in judgments, costs, and fees received or recovered by a county attorney pursuant to this part must be paid to the general fund of the county in which the action was commenced."

Section 53. Section 30-14-226, MCA, is amended to read:

"**30-14-226. Disposition of civil fines, settlement proceeds, amounts awarded in judgments, costs, and fees.** (1) All civil fines, settlement proceeds not otherwise designated for a specific use pursuant to court order, amounts awarded in judgments, costs, and fees received or recovered by the department pursuant to this part must be deposited into ~~a state special revenue account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to this part.

(2) At the end of each biennium, the balance in the ~~state special revenue account~~ fund may not exceed three times the amount of the budget appropriated to the department to discharge its powers and duties under this part for that biennium. ~~Funds~~ Money that ~~are~~is otherwise obligated to implement the provisions of the settlement agreement ~~are~~ isnot considered part of the balance of the ~~state special revenue account~~ fund. Any excess civil fines, settlement proceeds not otherwise designated for a specific use pursuant to court order, amounts awarded in judgment, costs, or fees must be transferred to the general fund no later than the first business day in January of the subsequent biennium."

Section 54. Section 30-14-1407, MCA, is amended to read:

"**30-14-1407. Authority of department and county attorney.** (1) The department and a county attorney have the same authority to enforce and carry out the provisions of this part as they have under Title 30, chapter 14, part 1.

(2) All civil fines, costs, and fees received or recovered by the department pursuant to this section must be deposited into ~~a state special revenue~~ an account in the state special revenue fund established in 17-2-102 to the credit of the department and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to this section and to fund the telemarketing fraud consumer awareness program established in 30-14-1406. Any excess civil fines, costs, or fees must be deposited in the general fund.

(3) All civil fines, costs, and fees received or recovered by a county attorney must be paid to the general fund of the county in which the action was commenced."

Section 55. Section 30-14-2102, MCA, is amended to read:

"**30-14-2102. Requirements for debt settlement providers.** (1) (a) A debt settlement provider shall maintain insurance coverage for dishonesty, fraud, theft, and other misconduct on the part of directors, officers, employees, or agents that is issued by an insurer rated at least A- or its equivalent by a nationally recognized rating organization. The debt settlement provider shall, at the request of the attorney general, make available to the attorney general proof of the insurance coverage required by this subsection (1)(a).

(b) The insurance coverage must be in a minimum amount of $100,000 with a deductible of not more than $10,000. A debt settlement provider is required to give at least 30 days' advance written notice to the attorney general if the coverage is being replaced.

(2) (a) A debt settlement provider is required to maintain books and records in accordance with generally accepted accounting principles and file a financial statement annually with the attorney general. The attorney general may require an audit or review of the financial statement by an independent certified public accountant.

(b) The annual filing by the debt settlement provider must be accompanied by a filing fee of $250 and must include, in addition to the financial statement, the following:

(i) the name of the debt settlement provider;

(ii) the date of formation if the debt settlement provider is an entity;

(iii) the physical address of each location to be operated by the debt settlement provider;

(iv) the name and resident address of the owners or partners or, if the debt settlement provider is a corporation, limited liability company, or association, the name and resident address of officers, directors, trustees, and managers; and

(v) any other pertinent information required by the attorney general.

(c) Fees received pursuant to this section and any civil fines, fees, costs, or penalties received or recovered by the department of justice pursuant to 30-14-2104 must be deposited into ~~a state special revenue account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department of justice and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to this part. Civil penalties, costs, or settlements received by a county attorney must be paid to the general fund of the county in which any enforcement action was commenced.

(3) (a) A debt settlement provider shall disclose in writing to a debtor, prior to entering into an agreement to provide services to the debtor, that:

(i) there will be fees charged by the debt settlement provider and shall disclose the type and amount of all of those fees;

(ii) the settlement of debts through a debt settlement program might have an impact on the debtor's credit history;

(iii) there may be tax consequences for the debtor as a result of a debt settlement;

(iv) collection activity by the creditor for a debt may continue until the creditor accepts a settlement for that debt;

(v) any settlement amount is an estimate based on the experience of prior customers and is not guaranteed to be accepted by the creditor;

(vi) a creditor may not be forced to accept a proposed settlement;

(vii) the debtor is required to meet certain savings goals in order to maximize settlement opportunities;

(viii) the debt settlement provider does not provide legal, accounting, tax, or bankruptcy advice or

assistance;

(ix) the debt settlement provider will not use a payment made by the debtor to make a payment to a creditor; and

(x) debt settlement may not be the only option available to the debtor.

(b) The written disclosure must be in a minimum size of 12-point type."

Section 56. Section 30-14-2820, MCA, is amended to read:

"**30-14-2820. Civil penalty injunction.** (1) A violation of this part is a violation of Title 30, chapter 14, parts 1 and 2.

(2) A person who violates the provisions of this part following the 30-day period described in 30-14-2817(3) is liable for a civil penalty in an amount not to exceed $7,500 for each violation.

(3) The attorney general may bring an action in the name of this state to:

(a) recover a civil penalty under this section;

(b) restrain or enjoin the person from violating this part; or

(c) recover the civil penalty and seek injunctive relief.

(4) The attorney general may recover reasonable attorney fees and other reasonable expenses incurred in investigating and bringing an action under this section.

(5) The attorney general shall deposit a civil penalty collected under this section in a ~~special revenue account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department pursuant to 30-14-143."

Section 57. Section 30-25-204, MCA, is amended to read:

"**30-25-204. Remedies available -- apportionment of damages.** (1) A plaintiff who brings an action under 30-25-203 may seek any of the following:

(a) injunctive relief;

(b) declaratory relief;

(c) compensatory damages;

(d) punitive damages;

(e) statutory damages, which are the following amounts:

(i) $100,000 for a strict violation of 30-25-202;

(ii) $1,000,000 for a violation of 30-25-202 that is committed negligently or recklessly; or

(iii) $5,000,000 for a violation of 30-25-202 that is committed purposely or knowingly; and

(f) reasonable attorney fees and costs incurred in bringing the action.

(2) In addition to the remedies provided in subsection (1), a victim may seek restitution.

(3) For each unique violation under 30-25-202, a plaintiff's recovery of statutory damages is limited to one subsection under subsections (1)(e)(i) through (1)(e)(iii).

(4) In an action in which the remedies under subsection (1) are ordered:

(a) compensatory damages for each violation must be paid to the victim; and

(b) the amount of punitive and statutory damages must be apportioned for each violation as follows:

(i) in an action brought by a private plaintiff in which a victim is reasonably identified by the court, regardless of the victim's involvement as a plaintiff:

(A) 50% to a victim, or equally divided among multiple victims;

(B) 35% to a private plaintiff; and

(C) 15% to the department to be deposited into ~~a state special revenue account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department;

(ii) in an action brought by a victim in which there is not a nonvictim plaintiff:

(A) 80% to a victim, or equally divided among multiple victims; and

(B) 20% to the department to be deposited into ~~a state special revenue account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department; or

(iii) in an action brought by a private plaintiff in which no victim is reasonably identified by the court:

(A) 60% to a private plaintiff; and

(B) 40% to the department to be deposited into ~~a state special revenue account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department.

(5) If damages are awarded in an action described in subsection (4)(b)(iii), the combined amount of punitive and statutory damages must be reduced by 50% and the remaining amount must be apportioned as

described in subsection (4)(b)(iii)."

Section 58. Section 33-2-321, MCA, is amended to read:

"**33-2-321. Stamping fee and clearinghouse processing fee.** (1) The commissioner may collect a stamping fee not to exceed 1% of the premium payable for surplus lines insurance transacted in this state. The commissioner shall establish the stamping fee by rule commensurate with the expenses of regulating surplus lines. The stamping fee must be placed in ~~a state special revenue account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the commissioner's office and used for the expenses of the commissioner's office in regulating surplus lines insurance.

(2) If the commissioner has entered an agreement with a clearinghouse as authorized pursuant to 33-2-323 to process multistate risks and allocate and distribute taxes and fees collected, the clearinghouse may collect a processing fee from the surplus lines insurance producer or the insured that independently procured insurance. The processing fee may be a flat fee per submission, a percentage of the premium payable for surplus lines insurance, or a combination of a flat fee and a percentage of premium payable. When a percentage of premium payable is used in calculating the processing fee, the charge may not exceed 1% of the premium payable for surplus lines insurance. The commissioner shall establish the processing fee by rule to be commensurate with the clearinghouse's charges to process multistate risks and allocate and distribute taxes and fees collected to the participating states.

(3) If applicable, the surplus lines insurance producer shall collect the stamping fee and clearinghouse processing fee from the insured in addition to the premium payable for the insurance contract and any taxes and fees."

Section 59. Section 33-28-120, MCA, is amended to read:

"**33-28-120. Captive insurance regulatory and supervision ~~account~~fund.** (1) There is ~~an account~~a fund in the state special revenue fund type established in 17-2-102 called the captive insurance regulatory and supervision account, which may be referred to as the captive account.

(2) The purpose of the captive ~~account~~ fund is to provide the financial means for the commissioner to administer this chapter and for reimbursement of reasonable expenses incurred in promoting captive

insurance in this state.

(3) (a) Twenty percent of the premium tax collected under 33-28-201 and all fees and assessments received by the commissioner pursuant to the administration of this chapter must be deposited in the captive ~~account~~ fund.

(b) All fines and administrative penalties collected pursuant to this chapter must be deposited in the general fund.

(4) All payments from the captive ~~account~~ fund for the maintenance of staff and associated expenses, including necessary contractual services, may only be disbursed from the state treasury upon warrants issued by the commissioner, after receipt by the commissioner of proper documentation regarding services rendered and expenses incurred.

(5) At the end of each fiscal year, the balance in the captive ~~account~~ fund must be transferred to the general fund."

Section 60. Section 37-1-125, MCA, is amended to read:

"**37-1-125. (Temporary) Contingent litigation fund -- uses -- fees -- rulemaking authority.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 for contingent litigation fees. The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department of labor and industry and must be used to pay the legal fees and costs associated with the discipline of a license issued by a licensing board created under Title 2, chapter 15, part 17, or a licensing program recognized by 37-1-401.

(a) Fees and costs may only be paid from the fund if the actual fees and costs of the disciplinary proceeding exceed $15,000. Subject to the availability of funds, money may be transferred to the board or program for all fees and costs exceeding $15,000.

(b) The fees and costs may continue to be paid from the fund if the board or program becomes ineligible to participate in the fund pursuant to subsection (4).

(c) The department is authorized to make rules relating to the distribution of the fund, including the priority to the allocation of the fund.

(2) The department may not use the ~~funding~~ money provided in this section to pay costs, fees,

penalties, or sanctions ordered against a board or program.

(3) The department is authorized to set a fee by rule that:

(a) (i) may not exceed $25 a year for each licensee;

(ii) must be paid by licensees as part of their initial or renewal application fee; and

(iii) must be the same for all licenses of boards subject to this section;

(b) may not be collected in any fiscal year in which the total fund balance on March 31 exceeds $300,000; and

(c) is solely applicable to licensees of boards or programs identified in subsection (4).

(4) A board or program with revenue of $200,000 or less based on a preceding fiscal 3-year rolling average is subject to this section.

(5) Interest and income earned on the ~~account~~ fund and any unspent or unencumbered money in the ~~account~~ fund at the end of a fiscal year must remain in the ~~account~~ fund. (Terminates June 30, 2031--sec. 5, Ch. 129, L. 2025.)"

Section 61. Section 37-7-1511, MCA, is amended to read:

"**37-7-1511. Prescription drug registry -- funding.** (1) Each person licensed under Title 37 to prescribe or dispense prescription drugs shall pay to the board an annual, nonrefundable fee that is set by rule commensurate with costs.

(2) The board may apply for any available grants and may accept gifts, grants, or donations to assist in establishing and maintaining the registry.

(3) ~~Funds~~ Money collected pursuant to this part must be deposited into ~~a~~a fund in the state special revenue ~~account~~ fund type established in 17-2-102 to the credit of the department. The money must be used to defray the expenses of the board in establishing and maintaining the registry and in discharging its administrative and regulatory duties under this part."

Section 62. Section 37-18-606, MCA, is amended to read:

"**37-18-606. Disposition of fees.** Any fees collected under this part must be deposited in a fund in the state special revenue ~~account~~ fund type established in 17-2-102 to offset costs incurred by the board or

department in carrying out this part."

Section 63. Section 37-19-204, MCA, is amended to ead:

"**37-19-204. Special revenue ~~account~~ fund -- use of funds -- reporting requirement.** (1) The department shall deposit in a fund in the state special revenue fund type established in 17-2-102 for use by the board the death certificate fees transferred to the department pursuant to 7-4-2631 and 50-15-111.

(2) The revenue received by the board under subsection (1) must be used by the board for the general administration of the board.

(3) The board may not reduce license fees to offset revenue raised by the death certificate fee.

(4) Any money in excess of the amount allowed for board costs under 37-1-134 must be deposited in the state general fund.

(5) The board shall report to the economic affairs interim committee as provided in 5-11-210 on the status of the special revenue ~~account~~ fund and fees charged as a funding source for the board."

Section 64. Section 37-45-203, MCA, is amended to read:

"**37-45-203. (Effective January 1, 2026) Fees -- education fund -- fines.** (1) Each applicant for a construction contractor license shall pay an application fee established by the department.

(2) The fees collected under this chapter in accordance with 37-1-134 must be deposited in a fund in the special revenue ~~account~~ fund type established in 17-1-102 for administration and enforcement of this chapter.

(3) The department shall provide, in cooperation with building industry stakeholders, a program to educate consumers and the building industry about construction contractor licensing requirements.

(4) A fine collected from a construction contractor under 37-1-109 or 37-1-406 must be deposited in the uninsured employers' fund established in 39-71-503."

Section 65. Section 37-55-102, MCA, is amended to read:

"**37-55-102. (Effective January 1, 2026) Department rulemaking -- fees.** (1) The department may adopt rules necessary to implement this part.

(2) The fees collected under this part in accordance with 37-1-134 must be deposited in a fund in the state special revenue ~~account~~ fund type established in 17-2-102 for administration and enforcement of this part."

Section 66. Section 39-11-205, MCA, is amended to read:

"**39-11-205. Primary sector business training ~~account~~fund.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 called the primary sector business training account.

(2) On July 1 of each year, the state treasurer shall transfer any ~~funds~~ money appropriated to the department of commerce primary sector business training program from the general fund to the primary sector business training ~~account~~ fund.

(3) Subject to legislative fund transfer, the money deposited or retained in the ~~account~~ fund must be used for:

(a) the primary sector business training program;

(b) program costs; and

(c) expenses incurred in administering the primary sector business training program.

(4) Money deposited in the ~~account~~ fund must be retained and may not revert to the general fund.

(5) All interest earned on money in the ~~account~~ fund must be retained and used for the purposes outlined in subsection (3)."

Section 67. Section 39-51-406, MCA, is amended to read:

"**39-51-406. Unemployment insurance administration ~~account~~ fund.** (1) There is ~~an account~~ a fund in the federal special revenue fund type yestablished in 17-2-102 to be known as the unemployment insurance administration ~~account~~ fund. All money that is deposited, appropriated, or paid into this ~~account~~ fund is available for appropriation to the department. All money in the ~~account~~ fund must be expended solely for the purpose of defraying the costs of administration of this chapter and costs of administration of other legislation specifically delegated by the legislature to the department for administration of unemployment insurance laws.

(2) All money received and deposited in the ~~account~~ fund from the United States or any agency of the United States pursuant to section 302 of the Social Security Act, 42 U.S.C. 502, must be expended solely

for the purpose and in the amounts found necessary by the secretary of labor for the proper and efficient administration of this chapter.

(3) The ~~account~~ fund consists of:

(a) all money received from the United States or any agency of the United States pursuant to section 302 of the Social Security Act, 42 U.S.C. 502, as amended; and

(b) all money, trust funds, supplies, facilities, or services furnished, deposited, paid, and received from the United States or any agency of the United States that are designated for use in the administration of the unemployment insurance program.

(4) Notwithstanding any provisions of this section, all money requisitioned and deposited in this ~~account~~ fund pursuant to 39-51-403 through 39-51-404 must remain part of the unemployment insurance fund and must be used only in accordance with the conditions specified in 39-51-403 through 39-51-404.

(5) All money in this ~~account~~ fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other ~~accounts~~ funds. The balance in this ~~account~~ fund may not lapse at any time but must be continuously available to the department for expenditure consistent with this chapter.

~~(6) Any reference to the unemployment insurance administration fund in this code means the unemployment insurance administration account in the federal special revenue fund.~~"

Section 68. Section 39-51-409, MCA, is amended to read:

"**39-51-409. Employment security ~~account~~ fund.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 called the employment security ~~account~~ fund.

(2) Money deposited in the employment security ~~account~~ fund may be appropriated to the department for payment of:

(a) unemployment insurance benefits;

(b) expenses incurred in the administration of the unemployment insurance program;

(c) expenses incurred in collecting money deposited in the ~~account~~ fund;

(d) expenses incurred for the employment offices established in 39-51-307, including expenses for providing services to the business community;

(e) expenses incurred for the apprenticeship and training program and for the administration of 39-71-319;

(f) expenses for displaced homemaker programs provided for under 39-7-305;

(g) expenses for department research and analysis functions that provide employment, wage, and economic data;

(h) expenses for department functions pertaining to wage and hour laws, prevailing wages, and collective bargaining;

(i) principal, interest, and redemption premium on employment security revenue bonds authorized in section 5, Chapter 435, Laws of 2009;

(j) expenses incurred in the administration of the office of community service established in 90-14-103;

(k) expenses incurred in the administration and enforcement of state and federal laws that prohibit unlawful discrimination; and

(l) expenses incurred in the administration of education programs, grants for education programs, and reentry programs administered by the department.

(3) Except as provided in sections 6 and 12, Chapter 435, Laws of 2009, the department may transfer funds from the employment security ~~account~~ fund to the unemployment insurance fund ~~account~~ fund provided for in 39-51-402 upon receiving approval from the budget director that the transfer will not decrease the money in the ~~account~~ fund below the level appropriated by the legislature to provide for the employment services programs identified in subsection (2).

(4) The department may transfer appropriation authority in employment services programs between the federal special revenue and the state special revenue fund types."

Section 69. Section 39-51-1301, MCA, is amended to read:

"**39-51-1301. Penalty and interest on past-due reports and payments.** (1) Failure to file reports and make payments in a timely manner, as required under 39-51-404, 39-51-603, 39-51-1103, and 39-51-1125, may subject an employer to penalty and interest, as provided in subsection (2).

(2) The department may assess penalties and interest under this section as follows:

(a) a penalty of $25 for the failure to file reports or make payments in a timely manner;

(b) in addition to the late penalty provided in subsection (2)(a), a penalty of $50 if the department issues a subpoena or makes a summary or jeopardy assessment, as provided in 39-51-1302, as the result of an employer's refusal or failure to provide requested information;

(c) in addition to the penalties in subsections (2)(a) and (2)(b), a penalty of $100 for failure to comply with a subpoena; and

(d) interest at the rate of 1.5% a month on any amounts owed to the department under this subsection (2) that are not paid in a timely manner.

(3) The department may waive all or any portion of any penalties and interest assessed under subsection (2).

(4) There is an ~~account~~ fund in the federal special revenue fund type established in 17-2-102. Penalties and interest collected for unemployment insurance obligations must be deposited in that ~~account~~ fund. Money deposited in that ~~account~~ fund and appropriated to the department may be used by the department only to administer this chapter, including the detection and collection of unpaid taxes and overpayments of benefits to the extent that federal grant revenue is less than amounts appropriated for this purpose. Money in the ~~account~~ fund not appropriated for these purposes must be transferred by the department to the unemployment insurance trust fund at the end of each fiscal year.

(5) All money accruing to the unemployment insurance trust fund from interest and penalties collected on past-due unemployment insurance taxes must be used solely for the payment of unemployment insurance benefits and may not be used for any other purpose."

Section 70. Section 39-71-417, MCA, is amended to read:

"**39-71-417. Independent contractor certification.** (1) (a) (i) Except as provided in subsection (1)(a)(ii), a person who regularly and customarily performs services at a location other than the person's own fixed business location shall apply to the department for an independent contractor exemption certificate unless the person has elected to be bound personally and individually by the provisions of compensation plan No. 1, 2, or 3.

(ii) An officer or manager who is exempt under 39-71-401(2)(r)(iii) or (2)(r)(iv) may apply, but is not

required to apply, to the department for an independent contractor exemption certificate.

(b) A person who meets the requirements of this section and receives an independent contractor exemption certificate is not required to obtain a personal workers' compensation insurance policy.

(c) For the purposes of this section, "person" means:

(i) a sole proprietor;

(ii) a working member of a partnership;

(iii) a working member of a limited liability partnership;

(iv) a working member of a member-managed limited liability company; or

(v) a manager of a manager-managed limited liability company that is engaged in the work of the construction industry as defined in 39-71-116.

(2) The department shall adopt rules relating to an original application for or renewal of an independent contractor exemption certificate. The department shall adopt by rule the amount of the fee for an application or certificate renewal. The application or renewal must be accompanied by the fee.

(3) The department shall deposit the application or renewal fee in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to pay the costs of administering the program.

(4) (a) To obtain an independent contractor exemption certificate, the applicant shall swear to and acknowledge the following:

(i) that the applicant has been and will continue to be free from control or direction over the performance of the person's own services, both under contract and in fact; and

(ii) that the applicant is engaged in an independently established trade, occupation, profession, or business and will provide sufficient documentation of that fact to the department.

(b) For the purposes of subsection (4)(a)(i), an endorsement required for licensure, as provided in 37-47-303, does not imply or constitute control.

(5) (a) An applicant for an independent contractor exemption certificate shall submit an application under oath on a form prescribed by the department and containing the following:

(i) the applicant's name and address;

(ii) the applicant's social security number;

(iii) each occupation for which the applicant is seeking independent contractor certification; and

(iv) other documentation as provided by department rule to assist in determining if the applicant has an independently established business.

(b) The department shall adopt a retention schedule that maintains copies of documents submitted in support of an initial application or renewal application for an independent contractor exemption certificate for a minimum of 3 years after an application has been received by the department. The department shall, to the extent feasible, produce renewal applications that reduce the burden on renewal applicants to supply information that has been previously provided to the department as part of the application process.

(c) An applicant who applies on or after July 1, 2011, to renew an independent contractor exemption certificate is not required to submit documents that have been previously submitted to the department if:

(i) the applicant certifies under oath that the previously submitted documents are still valid and current; and

(ii) the department, if it considers it necessary, independently verifies a specific document or decides that a document has not expired pursuant to the document's own terms and is therefore still valid and current.

(6) The department shall issue an independent contractor exemption certificate to an applicant if the department determines that an applicant meets the requirements of this section.

(7) (a) When the department approves an application for an independent contractor exemption certificate and the person is working under the independent contractor exemption certificate, the person's status is conclusively presumed to be that of an independent contractor.

(b) A person working under an approved independent contractor exemption certificate has waived all rights and benefits under the Workers' Compensation Act and is precluded from obtaining benefits unless the person has elected to be bound personally and individually by the provisions of compensation plan No. 1, 2, or 3.

(c) For the purposes of the Workers' Compensation Act, a person is working under an independent contractor exemption certificate if:

(i) the person is performing work in the trade, business, occupation, or profession listed on the person's independent contractor exemption certificate; and

(ii) the hiring agent and the person holding the independent contractor exemption certificate do not have a written or an oral agreement that the independent contractor exemption certificate holder's status with respect to that hiring agent is that of an employee.

(d) A person without an independent contractor exemption certificate is rebuttably presumed to be an independent contractor when:

(i) the person represents to a hiring entity or individual in writing that the person has an independent contractor exemption certificate;

(ii) the person provides the hiring entity or individual a forged or otherwise fraudulent independent contractor exemption certificate; or

(iii) the person's independent contractor exemption certificate expires while the person is working under the contract and prior to full performance of the contract, for a period not to exceed 120 days following the expiration of the certificate.

(e) The department shall utilize the considerations set forth in subsections (4)(a)(i) and (4)(a)(ii) for any evaluation conducted under subsection (7)(d).

(8) Once issued, an independent contractor exemption certificate remains in effect for 2 years unless:

(a) suspended or revoked pursuant to 39-71-418; or

(b) canceled by the independent contractor.

(9) If the department's independent contractor central unit denies an application for an independent contractor exemption certificate, the applicant may contest that decision as provided in 39-71-415(2)."

Section 71. Section 39-71-503, MCA, is amended to read:

"**39-71-503. Uninsured employers' fund -- purpose and administration of fund -- maintaining balance for administrative costs -- appropriation.** (1) There is created an uninsured employers' fund in the state special revenue ~~account~~ fund type established in 17-2-102 to pay:

(a) to an injured employee of an uninsured employer the same benefits the employee would have received if the employer had been properly enrolled under compensation plan No. 1, 2, or 3, except as provided

in subsection (3);

(b) the costs of investigating and prosecuting workers' compensation fraud under 2-15-2015; and

(c) the expenses incurred by the department in administering the uninsured employers' fund.

(2) The department may refer to the workers' compensation fraud office, established in 2-15-2015, cases involving:

(a) false or fraudulent claims for benefits; and

(b) criminal violations of 45-7-501.

(3) (a) Except as provided in subsection (3)(b), surpluses and reserves may not be kept for the fund. The department shall make payments that it considers appropriate as funds become available from time to time. The payment of weekly disability benefits takes precedence over the payment of medical benefits. Lump-sum payments of future projected benefits, including impairment awards, may not be made from the fund. The board of investments shall invest the money of the fund, and the investment income must be deposited in the fund.

(b) The department shall maintain at least a 3-month balance based on projected budget costs for administration of the fund. The balance for administrative costs may be used by the department only in administering the fund.

(c) The maximum aggregate medical benefits expenditure that may be made from the fund may not exceed $100,000 for any single claim regardless of whether the claim arises from an injury or an occupational disease.

(4) The amounts necessary for the payment of benefits from the fund are statutorily appropriated, as provided in 17-7-502, from the fund."

Section 72. Section 41-5-2011, MCA, is amended to read:

"**41-5-2011. Youth court intervention and prevention ~~account~~ fund -- statutory appropriation -- administration.** (1) There is a youth court intervention and prevention ~~account~~ fund in the state special revenue fund type established in 17-2-102. The office of court administrator shall deposit in the account the following funds:

(a) unexpended ~~funds~~ money from the judicial districts' annual allocations as provided for in 41-5-

130; and

(b) unexpended ~~funds~~ money from the cost containment pool as provided for in 41-5-132.

(2) The youth court intervention and prevention ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the supreme court. The office of court administrator shall administer the ~~account~~ fund in accordance with 41-5-2012."

Section 73. Section 44-4-1101, MCA, is amended to read:

"**44-4-1101. Water right enforcement ~~account~~ fund -- statutory appropriation.** (1) There is a water right enforcement ~~account~~ fund in the state special revenue fund type established in 17-2-102.

(2) Fines collected pursuant to 85-2-122(3)(b) must be deposited in the water right enforcement account.

(3) The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department of justice to enforce the provisions of 85-2-114."

Section 74. Section 44-4-1506, MCA, is amended to read:

"**44-4-1506. Emergency lodging and recovery for victims of domestic violence or human trafficking ~~account~~ fund.** (1) There is an emergency lodging and recovery for victims of domestic violence or human trafficking ~~account~~ fund in the state special revenue fund type established in 17-2-102. The ~~account~~ fund is administered by the department of justice.

(2) The revenue allocated to the ~~account~~ fund as provided in 15-65-121(2)(l) must be deposited in the ~~account~~ fund and distributed as provided in 44-4-1505.

(3) Money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department of justice to provide grants to licensed establishments that provide short-term lodging and recovery assistance in the state to individuals and families that are victims of domestic violence or human trafficking pursuant to 44-4-1505."

Section 75. Section 44-5-306, MCA, is amended to read:

"**44-5-306. Criminal history record information ~~account~~ fund.** (1) There is a criminal history record

information ~~account~~ fund in the state special revenue fund type established in 17-2-102. Money collected pursuant to 44-5-307 must be deposited in the ~~account~~ fund.

(2) The ~~account~~ fund must be used by the department of justice for the dissemination of criminal history record information."

Section 76. Section 44-7-202, MCA, is amended to read:

"**44-7-202. Domestic violence intervention ~~account~~ fund -- administration by board of crime control.** (1) There is a domestic violence intervention ~~account~~ fund in the state special revenue fund ~~in the state treasury~~ type established in 17-2-102. There must be paid into this ~~account~~ fund the designated filing fees paid under 25-1-201(7) to the clerk of the district court. The money deposited in the ~~account~~ fund must be used for services provided under 44-7-201.

(2) ~~Funds deposited in~~ Deposits into the ~~account~~ fund may be expended by the Montana board of crime control, as provided for in 2-15-2008, to ~~fund~~ support services and activities under and payment of administrative costs of the domestic violence intervention program provided for in 44-7-201."

Section 77. Section 44-10-204, MCA, is amended to read:

"**44-10-204. Department of justice ~~account~~ fund established.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to be used by the department of justice on behalf of the Montana law enforcement academy established in 44-10-103 and the Montana public safety officer standards and training council established in 2-15-2029.

(2) Money in the acc~~o~~ fund unt created in subsection (1) must be appropriated by the legislature for the purposes provided in Title 44, chapter 10, part 2, including use as matching funds for grants to be sought under 44-10-202(1)(j)."

Section 78. Section 44-12-213, MCA, is amended to read:

"**44-12-213. Disposition of proceeds of sale.** (1) Whenever property is seized, forfeited, and sold under the provisions of this chapter, the net proceeds of the sale must be distributed as follows:

(a) to the holders of security interests who have presented proper proof of their claims, if any, up to

the amount of their interests in the property;

(b) the remainder, if any, to the county treasurer of the county in which the property was seized, who shall establish and maintain a drug forfeiture ~~account~~ fund and deposit the remainder into the ~~account~~ fund, except as provided in subsections (1)(c) through (1)(e);

(c) if the property was seized within the corporate limits of a city or town by a law enforcement agency of that city or town, the remainder, if any, to the city or town treasurer, who shall establish and maintain a drug forfeiture ~~account~~ fund and deposit the remainder into the ~~account~~ fund, except as provided in subsections (1)(d) and (1)(e);

(d) if the property was seized by an employee of the state, the remainder, if any, is allocated as provided in subsection (3), except as provided in subsection (1)(e); and

(e) if the property was seized as a result of the efforts of more than one law enforcement agency, the remainder, if any, to the ~~accounts~~ funds required by this subsection (1), pro rata in the proportions represented by the agencies' expenses of investigation, as determined by the attorney general.

(2) All proceeds from any source that are deposited into a county, city, or town drug forfeiture account must in each fiscal year be appropriated to and remain available until expended by the confiscating agency for drug laws enforcement and education concerning drugs.

(3) (a) Each year, the first $125,000 of net proceeds received by the state under subsections (1)(d) and (1)(e) must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department of justice. The department may expend the money in the ~~account~~ fund only for purposes of enforcement of drug laws. An amount up to $125,000 each year is statutorily appropriated, as provided in 17-7-502, to the attorney general for enforcement of drug laws. Any expenditure in excess of $125,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4.

(b) Each year, net proceeds in excess of $125,000 that are received by the state under subsections (1)(d) and (1)(e) must be deposited equally between the state special revenue ~~account~~ fund and the general fund."

Section 79. Section 46-1-1112, MCA, is amended to read:

"**46-1-1112. ~~Funding~~ Drug treatment court federal special revenue fund.** (1) There is a drug treatment court federal resources ~~account~~ fund in the federal special revenue fund type established in 17-2-102 that is administered by the office of the supreme court administrator. Any federal money received for funding drug treatment courts must be deposited in the drug treatment court federal resources ~~account~~ fund and may be used only for purposes of this part. The money in the fund may not be transferred at the end of each year but must remain deposited to the credit of the drug treatment court federal resources ~~account~~ fund.

(2) A drug offender shall pay the total cost or a reasonable portion of the cost to participate. The cost paid by a drug offender may not exceed $300 a month. The costs assessed must be compensatory and not punitive in nature and must take into account the drug offender's ability to pay. Upon a showing of indigency, the drug treatment court may reduce or waive costs under this subsection (2). Any fees received by the court from an offender are not court costs, charges, or fines.

(3) All federal ~~funds~~ money received from grants for purposes of funding drug treatment courts must be exhausted before money is spent from other appropriations for that purpose.

(4) This part does not prohibit drug treatment court teams from obtaining supplemental funds.

(5) This part does not supplant funds currently utilized by drug treatment courts."

Section 80. Section 46-23-1031, MCA, is amended to read:

"**46-23-1031. Supervisory fees -- ~~account~~ fund established.** (1) (a) Except as provided in subsection (1)(c), a probationer, parolee, or person committed to the department who is supervised by the department:

(i) shall pay to the department a supervisory fee of no less than $120 a year and no more than $360 a year, prorated at no less than $10 a month for the number of months under supervision; or

(ii) under continuous satellite-based monitoring shall pay to the department a supervisory fee of no more than $4,000 a year as established by rules adopted by the department under 46-23-1010.

(b) A person allowed to transfer supervision to another state shall pay a fee of $50 to cover the cost of processing the transfer. The interstate transfer fees required by this subsection must be collected by the department.

(c) The court, department, or board may reduce or waive a fee required by subsection (1)(a) or

(1)(b) or suspend the monthly payment of the supervisory fee if it determines that the payment would cause the person a significant financial hardship.

(2) (a) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 for the supervisory fees collected under the provisions of this section.

(b) The department shall deposit the total supervisory fees collected pursuant to subsection (1) into the state special revenue ~~account~~ fund established in subsection (2)(a)."

Section 81. Section 46-23-1032, MCA, is amended to read:

"**46-23-1032. Federal forfeiture funds -- use.** (1) Money forfeited under federal law and provided to the department of corrections may be deposited in ~~an account~~ a fund in the federal special revenue fund type established in 17-2-102.

(2) Money from federal ~~forfeiture funds~~ forfeitures deposited in the fund ~~account~~ may be used for training probation and parole officers, for the purchase of equipment for probation and parole officers, or for other criminal justice purposes upon appropriation by the legislature."

Section 82. Section 50-19-212, MCA, is amended to read:

"**50-19-212. State special revenue ~~account~~ fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department to be used solely for the purposes provided in 50-19-211."

Section 83. Section 50-48-209, MCA, is amended to read:

"**50-48-209. State special revenue ~~account~~fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. Money in the ~~account~~ fund is allocated to the department to be used to administer the provisions of this chapter and the rules adopted under 50-48-103."

Section 84. Section 50-50-216, MCA, is amended to read:

"**50-50-216. Special revenue ~~account~~fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. Money in the ac~~c~~ fund ount is allocated to the department to be used to

administer the provisions of this chapter and the rules adopted under it."

Section 85. Section 50-51-110, MCA, is amended to read:

"**50-51-110. Special revenue ~~account~~fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. Money in the ~~account~~ fund is allocated to the department to be used to administer the provisions of this chapter and the rules adopted under it."

Section 86. Section 50-52-210, MCA, is amended to read:

"**50-52-210. Special revenue ~~account~~fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. Money in the ~~account~~ fund is allocated to the department to be used to administer the provisions of this chapter and the rules adopted under it."

Section 87. Section 50-57-213, MCA, is amended to read:

"**50-57-213. Special revenue ~~account~~fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. Money in the ~~account~~ fund is allocated to the department to be used to administer the provisions of this chapter and the rules adopted under this chapter."

Section 88. Section 50-60-116, MCA, is amended to read:

"**50-60-116. Continuing education -- ~~funding~~ support from building fees -- special ~~account~~fund.** (1) There is a building codes education program administered by the department for the purpose of providing continuing education in building code standards and other related topics to interested persons in the construction industry and in regulatory agencies of state and local government.

(2) The building codes education program must be ~~funded~~ supported entirely from building fee revenue collected by the department, and the department shall allocate 0.5% of the fees that the department collects pursuant to 50-60-104 to the state special revenue ~~account~~ fund established in subsection (3) to pay the costs of conducting courses and seminars at multiple locations in the state.

(3) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 for the purpose of paying the costs of the building codes education program.

(4) The department may expend the ~~funds~~money referred to in subsection (2) to contract with the cooperative extension service, the extended studies programs, other appropriate units of the Montana university system, or private sector entities to develop and conduct the building codes education program."

Section 89. Section 50-65-103, MCA, is amended to read:

"**50-65-103. Certification -- fee for certification -- product change.** (1) Each manufacturer shall submit to the department of justice a written certification attesting that each cigarette listed in the certification:

(a) has been tested in accordance with 50-65-102; and

(b) meets the performance standard provided in 50-65-102(2)(c).

(2) Each cigarette listed in the certification must be described with the following information:

(a) brand or trade name on the package;

(b) style, such as light or ultralight;

(c) length in millimeters;

(d) circumference in millimeters;

(e) flavor, such as menthol or chocolate, if applicable;

(f) filter or nonfilter;

(g) package description, such as soft pack or box;

(h) marking approved in accordance with 50-65-104;

(i) the name, address, and telephone number of the laboratory, if different from the manufacturer, that conducted the test; and

(j) the date that the testing occurred.

(3) Certifications must be made available to the attorney general for purposes consistent with this chapter and to the department of revenue for the purposes of ensuring compliance with this section.

(4) Each cigarette certified under this section must be recertified every 3 years.

(5) (a) For each cigarette listed in a certification, a manufacturer shall pay a fee, not to exceed $250, to offset the actual costs of the processing, testing, enforcement, and oversight activities required in this chapter.

(b) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 in

which fees collected under this subsection (5) must be deposited to the credit of the department of justice. Money collected may be used only by the department of justice for the purposes provided in subsection (5)(a).

(6) If a manufacturer has certified a cigarette pursuant to this section and later makes any change to the cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this chapter, the cigarette may not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards provided in 50-65-102 and maintains records of the retesting as required by 50-65-102. Any altered cigarette that does not meet the performance standard provided in 50-65-102 may not be sold in this state."

Section 90. Section 52-7-102, MCA, is amended to read:

"**52-7-102. Children's trust fund ~~account~~ -- nonsupplantation of funds.** (1) There is a children's trust fund ~~account~~ in the state special revenue fund ~~in the state treasury~~ type established in 17-2-102. The money in the ~~account~~ fund is allocated to the Montana children's trust fund board, provided for in 2-15-2214, for funding services and activities under and payment of administrative costs of the child abuse and neglect prevention program provided for in 52-7-101.

(2) ~~Funds~~ Money deposited in the children's trust fund ~~account~~ may be used only for the program authorized in 52-7-101 and may not be used to pay the expenses of any other program or service administered in whole or in part by the department of public health and human services."

Section 91. Section 53-1-109, MCA, is amended to read:

"**53-1-109. Facility resident and prison inmate welfare ~~account~~fund.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. The net proceeds from Pi~~n~~e Hills correctional facility resident and state prison inmate canteen purchases and resident or inmate telephone use, cash proceeds from the disposition of confiscated contraband, and any public money held for the needs of residents or inmates and their families and not otherwise allocated must be deposited in the ~~account~~ fund. Money in an ~~account~~ fund established under 53-1-107 may not be deposited in the ~~account~~ fund established in this subsection.

(2) The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the

department of corrections, which may allocate the money referred to in subsection (1) to the Pine Hills correctional facility and state prisons in proportion to the amount that each facility contributed to the fund. The superintendent of the Pine Hills correctional facility and the administrator of each state prison shall consult with the residents and inmates in the superintendent's or administrator's respective facility about the use of the money allocated to the Pine Hills correctional facility or the state prison and may use the money for the needs of that facility's residents or inmates and their families.

(3) For purposes of this section, "state prison" has the meaning provided in 53-30-101(1), (2), and (4)."

Section 92. Section 53-1-413, MCA, is amended to read:

"**53-1-413. Deposit of payments and collections.** (1) Except as provided in 90-7-220, 90-7-221, and this section, the department shall deposit payments and collections of charges for a resident's cost of care in the state treasury to the credit of the general fund.

(2) Payments and collections for services provided to residents of the Montana veterans' homes must be deposited in a fund in the state special revenue ~~account~~ fund type established in 17-2-102 for the benefit of the homes. Payments and collections for services provided to residents of the Montana chemical dependency treatment center must be deposited in the ~~state special revenue account~~ fund for the facility."

Section 93. Section 53-1-712, MCA, is amended to read:

"**53-1-712. State special revenue fund 2-1-1 ~~account~~.** There is a 2-1-1 ~~account~~ fund in the state special revenue fund type established in 17-2-102. Money in the ~~account~~ fund may be spent only after appropriation. The 2-1-1 account must include any funding for the statewide 2-1-1 system as appropriated by the legislature or received through private contributions and other sources. Expenditures from the 2-1-1 ~~account~~ fund may be used only for the implementation and support of the statewide 2-1-1 system. Monetary savings realized by the department when converting existing resource and referral lines to the statewide 2-1-1 system must be deposited in the special revenue ~~account~~ fund."

Section 94. Section 53-2-1219, MCA, is amended to read:

"**53-2-1219. Special revenue ~~account~~fund.** There is a fund in the state special revenue ~~account~~ fund type in 17-2-102 to the credit of the department for use in the incumbent worker training program that may be spent subject to appropriation by the legislature. Money must be deposited in the ~~account~~ fund from ~~funds~~ money that ~~are~~ is available for incumbent worker training."

Section 95. Section 53-4-1012, MCA, is amended to read:

"**53-4-1012. (Temporary) State special revenue ~~account~~fund.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the state children's health insurance program administered by the department of public health and human services. Any interest or income derived from the ~~account~~ fund must be deposited in the ~~account~~ fund.

(2) Money deposited in this ~~account~~ fund must be used by the department to cover children, to reduce or maintain premiums, to pay health care claims, or to establish and maintain a reserve. (Terminates on occurrence of contingency--sec. 7, Ch. 565, L. 2005; sec. 5, Ch. 129, L. 2007.)"

Section 96. Section 53-4-1115, MCA, is amended to read:

"**53-4-1115. Special revenue ~~account~~fund.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department for the purposes provided in subsection (2). There must be paid into the ~~account~~ fund the amounts collected under 33-2-708(3)(b). Any interest or income derived from the ~~account~~ fund must be deposited in the ~~account~~ fund.

(2) Money in the ~~account~~ fund may be used only to:

(a) cover the number of additional enrollees in the plan that exceeds the number of enrollees as of November 4, 2008, within the limits provided in 53-4-1004, 53-6-131, and this part and to cover the costs of enrollment, including premium assistance, under 53-4-1108(1), and to pay administrative costs associated with expanded eligibility, and to establish and maintain a reserve;

(b) match federal funds available under:

(i) the children's health insurance program and the Montana medicaid program;

(ii) home visiting through the maternal, infant, and early childhood program established in 42 U.S.C. 711 or Title IV-E prevention services;

(iii) the medicaid section 1115 waiver 0148.R07.00 for Montana residents who are elderly or physically disabled; and

(iv) the medicaid section 1115 waiver 0208.R07.00 to provide home and community-based services for individuals with developmental disabilities; and

(c) to ~~fund~~ support services for infants and toddlers with disabilities provided for in 34 CFR 303.13 and through the department of public health and human services' family education support program.

(3) The unexpended balance of an appropriation from the ~~account~~ fund must remain in the ~~account~~ fund and may be used only for the purposes stated in subsection (2).

(4) The special revenue ~~account~~ fund does not affect and is not exclusive of any other sources of funding for the programs described in 53-4-1104(2), including the special revenue ~~account~~ fund provided for in 53-4-1012.

(5) If the department determines that there is insufficient funding for the purposes of subsection (2), it may reduce eligibility requirements for participants in the children's health insurance program as provided in 53-4-1004(4)."

Section 97. Section 53-6-502, MCA, is amended to read:

"**53-6-502. Traumatic brain injury trust fund established -- source of funds -- uses.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to be used to establish a traumatic brain injury trust fund.

(2) The trust fund consists of donations or grants received for the purpose of providing services for persons suffering from traumatic brain injury.

(3) The money in this ~~account~~ fund must be used solely for planning, coordinating, and providing services to persons suffering from traumatic brain injury."

Section 98. Section 53-6-1315, MCA, is amended to read:

"**53-6-1315. Montana HELP Act special revenue ~~account~~ fund.** (1) There is a Montana HELP Act ~~account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department.

(2) Money from the following sources must be deposited in the ~~account~~ fund:

(a) the taxpayer integrity fees provided for in 15-30-2660;

(b) the outpatient hospital utilization fee provided for in 15-66-102(3)(b);

(c) the health service corporation fee provided for in 33-2-714; and

(d) premiums paid by members pursuant to 53-6-1307.

(3) Money in the ~~account~~ fund must be used to pay for:

(a) the state share of costs, including benefits and administrative costs, of providing health care services under this part; and

(b) grants made under the HELP Act employer grant program provided for in 39-12-106.

(4) Money from the ~~account~~ fund must be used for the benefits and administrative costs of providing health care services under this part before any general fund is expended on the costs." ~~53-9-113, 53-19-310, 60-11~~

Section 99. Section 53-9-113, MCA, is amended to read:

"**53-9-113. (Temporary) Crime victims compensation ~~account~~fund.** There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 for crime victims compensation. The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department of justice for the purposes provided in this part. (Terminates June 30, 2027--secs. 1, 2, 3, Ch. 139, L. 2021.)"

Section 100. Section 53-19-310, MCA, is amended to read:

"**53-19-310. ~~Account~~Fund for telecommunications services and specialized telecommunications equipment for persons with disabilities.** (1) Subject to legislative fund transfer, there is ~~an account~~ a fund for telecommunications services and specialized telecommunications equipment for persons with disabilities in the state special revenue fund ~~in the state treasury~~ type established in 17-2-102. The account consists of:

(a) all monetary contributions, gifts, and grants received by the committee as provided in 53-19-309; and

(b) all fees billed and collected pursuant to 53-19-311.

(2) The money in the ~~account~~ fund is allocated to the committee for purposes of implementing this

part.

(3) All expenditures of the committee in administering this part must be paid from money deposited in the ~~account~~ fund."

Section 101. Section 60-11-115, MCA, is amended to read:

"**60-11-115. Revolving loan ~~account~~ fund-- statutory appropriation -- rulemaking.** (1) There is a revolving loan ~~account~~ fund in the state special revenue fund established in 17-2-102 to be administered by the department. Any interest or income that is earned by the ~~account~~ fund and loan repayments must be deposited into the revolving loan ~~account~~ fund unless revenue bonds are issued to fund a loan, in which case the loan repayments must be deposited in the debt service ~~account~~ fund. The department may request the board of investments to issue revenue bonds, as provided in 60-11-117 through 60-11-119, for the purpose of providing ~~funds~~ money for a loan.

(2) The department may make loans from the ~~account~~ fund pursuant to 60-11-120.

(3) ~~Funds in the account~~ Monies in the fund that are deposited pursuant to former 49 U.S.C. 1654 must continue to be managed as local rail freight assistance program funds. Any additional federal ~~funds~~ money received for local rail freight assistance programs or for railroad projects must be deposited in the ~~account~~ fund.

(4) There is statutorily appropriated, as provided in 17-7-502, to the department up to $2 million annually for the purposes of making loans pursuant to 60-11-120.

(5) Loans may not be made if the loan would cause the balance in the ~~account~~ fund to be less than $500,000.

(6) The department may adopt rules to implement 60-11-113 through 60-11-116."

Section 102. Section 60-11-118, MCA, is amended to read:

"**60-11-118. Revenue bond debt service ~~account~~ fund-- deposit of bond proceeds.** (1) There is in the debt service fund type established in 17-2-102 an essential freight rail revenue bond debt service ~~account~~ fund. The state treasurer shall deposit revenue as may be pledged to the payment of particular bonds to the credit of the essential freight rail revenue bond debt service ~~account~~ fund as required by resolution or indenture.

(2) All proceeds of an issue of bonds must be deposited in a separate account in the state special revenue fund type , except that any premiums and accrued interest received may be deposited in a separate ~~account~~ fund in the debt service fund type established for that bond issue by resolution or indenture. No more than the principal and interest on the bonds due in any year may be retained in the essential freight rail revenue bond debt service ~~acco~~ fund ~~unt~~ for the payment of bonds. The remainder of pledged revenue is available for authorized purposes of the department. Money deposited in the separate ~~accounts~~ fund in the state special revenue fund until spent for project purposes may be pledged and appropriated for the payment of bonds, which are a first lien and prior charge upon the ~~funds~~money, and the ~~funds~~ money may be used for payment of bonds to the extent that revenue deposited in the essential freight rail revenue bond debt service ~~account are~~ fund is not sufficient for those purposes.

(3) Interest and investment earnings on the separate ~~accounts~~ funds in subsections (1) and (2) must be retained in the separate accounts referred to in subsection (2)."

Section 103. Section 61-3-415, MCA, is amended to read:

"**61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution.** (1) A Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and who pays the fee required under subsection (2) may be issued a special motorcycle license plate bearing a design created by the department. The design must recognize the efforts of one or more Montana-based nonprofit organizations that grant wishes to chronically or critically ill Montana children.

(2) A person requesting a special motorcycle license plate under this section shall pay to the county treasurer or an authorized agent:

(a) an administrative fee of $5 upon issuance of the special license plate, to be deposited in the county general fund;

(b) a $5 license plate fee; and

(c) a donation fee of $20.

(3) The county treasurer or an authorized agent shall remit the fees required in subsections (2)(b) and (2)(c) to the department. For each special plate issued, the department shall deposit $5 in the state general fund and $20 in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to be used by

the department as provided in subsection (4).

(4) The department shall use the money deposited in the ~~account in the state special revenue fund~~ fund as provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

(5) The ~~account in the state special revenue fund~~ fund provided for in subsection (3) is statutorily appropriated to the department, as provided in 17-7-502."

Section 104. Section 61-3-416, MCA, is amended to read:

"**61-3-416. ~~(Effective January 1, 2026)~~ Special motorcycle license plates -- department of justice to design -- fees -- distribution.** (1) A Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and who pays the fee required under subsection (2) may be issued a special motorcycle license plate bearing a black background and a design created by the department of justice. The design must recognize the efforts of one or more Montana-based nonprofit organizations dedicated to motorcycle rider safety and awareness.

(2) A person requesting a special motorcycle license plate under this section shall pay to the county treasurer or an authorized agent:

(a) an administrative fee of $5 on issuance of the special license plate to be deposited in the county general fund;

(b) a $5 license plate fee; and

(c) a donation fee of $20.

(3) The county treasurer or an authorized agent shall remit the fees required in subsections (2)(b) and (2)(c) to the department of justice. For each special plate issued, the department of justice shall deposit $5 in the state general fund and $20 in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to be used by the department of transportation as provided in subsection (4).

(4) The department of transportation shall use the money deposited in the account ~~in the state special revenue fund~~ as provided in subsection (3) to provide grants, using criteria established by the department of transportation, to Montana-based nonprofit organizations that promote awareness and enhance education regarding motorcycle safety.

(5) The ~~account in the state special revenue fund~~ fund provided for in subsection (3) is statutorily appropriated to the department of transportation, as provided in 17-7-502."

Section 105. Section 61-4-517, MCA, is amended to read:

"**61-4-517. Implementation of arbitration.** (1) A consumer may initiate a request for arbitration by filing a notice with the department. The consumer shall file, on a form prescribed by the department, any information considered relevant to the resolution of the dispute and shall return the form, along with a $100 filing fee, within 5 days after receiving the form. The form must offer the consumer the choice of presenting any subsequent testimony orally or in writing, but not both.

(2) The department shall determine whether the complaint alleges the violation of any applicable warranty under this part. If the department determines that a complaint does not allege a warranty violation, it shall refund the filing fee.

(3) Upon acceptance of a complaint, the department shall notify the manufacturer of the filing of a request for arbitration and shall obtain from the manufacturer, on a form prescribed by the department, any information considered relevant to the resolution of the dispute. The manufacturer shall return the form within 15 days of receipt, with a filing fee of $750.

(4) Fees collected under this section must be deposited in a fund in the special revenue ~~account~~ fund type established in 17-2-102 for the use of the department in administering this part.

(5) The manufacturer's fee provided in subsection (3) is due only if the department's arbitration procedures are used."

Section 106. Section 67-1-306, MCA, is amended to read:

"**67-1-306. Special aeronautical loan ~~account~~fund.** There is a special aeronautical loan ~~account~~ fund in the state special revenue fund type established in 17-2-102. Principal and interest payments deposited in the ~~account~~ fund may be used only for providing loans specified in 67-1-307."

Section 107. Section 67-1-308, MCA, is amended to read:

"**67-1-308. Aeronautics operations ~~account~~fund.** (1) There is an aeronautics operations ~~account~~

fund in the state special revenue fund type established in 17-2-102. Revenue from the aviation fuel tax must be deposited in the ~~account~~ fund to the credit of the department pursuant to 67-1-301(3)(a).

(2) Money in the ~~account~~ fund must be used for the purpose of administering department functions pertaining to aeronautical powers and duties as provided in 67-2-101."

Section 108. Section 67-1-309, MCA, is amended to read:

"**67-1-309. Airport grant ~~account~~ fund.** (1) There is an airport grant ~~account~~ fund in the state special revenue fund type established in 17-2-102. Revenue from the aviation fuel tax must be deposited in the ~~account~~ fund to the credit of the department pursuant to 67-1-301(3)(b).

(2) Money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, and with the approval of the board may be used to provide grants to local governments for airport development or improvement programs and to provide navigational aids, safety improvements, weather reporting services, and other aeronautical services for airports and landing fields and for the state's airways.

(3) The board shall establish procedures for the awarding of grants. The grant procedures must include a provision allowing a grant for the entire local match required for a project funded with federal funds."

Section 109. Section 67-3-205, MCA, is amended to read:

"**67-3-205. Aircraft registration ~~account~~ fund-- source of ~~funds~~ revenue-- allocation.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to which must be credited all money received from fees paid in lieu of tax on aircraft, as required in 15-24-304 and this part, and all penalties collected for registration violations, as provided in 67-3-202.

(2) Money in the ~~account~~ fund is allocated to the aeronautics operations ~~account~~ fund provided for in 67-1-308.

(3) The allocations required in subsection (2) must be made when received by the department."

Section 110. Section 69-1-223, MCA, is amended to read:

"**69-1-223. Funding of office of consumer counsel.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to which all fees collected under this section must be

deposited and from which all appropriations to the office of the consumer counsel must be paid. An appropriation to the office of the consumer counsel may consist of a base appropriation for regular operating expenses and a contingency appropriation for expenses due to an unanticipated caseload.

(2) In addition to all other licenses, fees, and taxes imposed by law, all regulated companies shall:

(a) within 30 days after the close of each calendar quarter, file with the department of public service regulation and the department of revenue a statement, in a form that the commission and department may determine, showing the gross operating revenue from all activities regulated by the commission within the state for that calendar quarter of operation or portion of a quarter, separately stating gross revenue from sales to other regulated companies for resale; and

(b) at that time pay to the department of revenue a fee based on a percentage of the gross operating revenue reported, as determined by the department of revenue under 69-1-224.

(3) The amount of money which may be raised by the fee on the regulated companies during a fiscal year may not be increased, except as provided in 69-1-224(1)(c), from the amount appropriated, including both base and contingency appropriations, by the legislature for that fiscal year. Any additional money required for operation of the office of the consumer counsel must be obtained from other sources in a manner authorized by the legislature."

Section 111. Section 69-1-402, MCA, is amended to read:

"**69-1-402. Funding of department of public service regulation.** (1) All fees collected under this section and any other fees, except as provided in 69-1-114(3), must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to the credit of the department. An appropriation to the department may consist of a base appropriation for regular operating expenses and a contingency appropriation for expenses due to an unanticipated caseload.

(2) In addition to all other licenses, fees, and taxes imposed by law, all regulated companies shall, within 30 days after the close of each calendar quarter, pay to the department of revenue a fee based on a percentage of gross operating revenue reported pursuant to 69-1-223(2)(a), as determined by the department of revenue under 69-1-403.

(3) The amount of money that may be raised by the fee on the regulated companies during a fiscal

year may not be increased, except as provided in 69-1-224(1)(c), from the amount appropriated to the department by the legislature for that fiscal year, including both base and contingency appropriations. Any additional money required for operation of the department must be obtained from other sources in a manner authorized by the legislature."

Section 112. Section 69-4-527, MCA, is amended to read:

"**69-4-527. Underground facility protection ~~account~~ fund-- statutory appropriation.** (1) There is an underground facility protection ~~account~~ fund in the state special revenue fund type established in 17-2-102. The ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department.

(2) There must be deposited in the ~~account~~ fund all revenue from:

(a) civil penalties collected pursuant to 69-4-524 and 69-4-525;

(b) fines collected pursuant to 69-4-529 or 69-4-530;

(c) fees collected pursuant to 69-4-502(4); and

(d) any gifts, grants, donations, or bequests to the department.

(3) ~~Funds are~~ Money is allocated as follows:

(a) fees collected pursuant to 69-4-502(4) and paid by underground facility owners and any gifts, grants, donations, or bequests must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-7-102 for the administration of this part by the department in accordance with this part; and

(b) all revenue from civil penalties collected pursuant to 69-4-524 and 69-4-525 and fines collected pursuant to 69-4-529 or 69-4-530 must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-7-102 for distribution in the form of grants to notification centers to be used in accordance with 69-4-528.

(4) The ~~accounts~~ funds established in subsection (3) retain interest earned from the investment of money in the ~~accounts~~funds."

Section 113. Section 75-2-508, MCA, is amended to read:

"**75-2-508. Asbestos control ~~account~~fund.** (1) There is an asbestos control ~~account~~ fund in the state special revenue fund type established in 17-2-102. There must be deposited in the ~~account~~ fund all

money received from fees collected under this part.

(2) ~~Funds in the account are~~Money in the fund is allocated to the department for the purpose of funding the costs of implementing and operating the asbestos control program established under this part."

Section 114. Section 75-10-704, MCA, is amended to read:

"**75-10-704. Environmental quality protection ~~fund~~ account.** (1) Subject to legislative fund transfers, there is an account in the state special revenue fund ~~an~~ established in 17-2-102 to be known as the environmental quality protection fund to be administered as a revolving fund by the department. The department is authorized to expend amounts from the fund necessary to carry out the purposes of this part.

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

(3) The department shall:

(a) except as provided in subsection (7), establish and implement a system, including the preparation of a priority list, for prioritizing sites for remedial action based on potential effects on human health and the environment; and

(b) investigate, negotiate, and take legal action, as appropriate, to identify liable persons, to obtain the participation and financial contribution of liable persons for the remedial action, to achieve remedial action, and to recover costs and damages incurred by the state.

(4) There must be deposited in the fund:

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

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

(c) ~~funds~~ money allocated to the fund by the legislature;

(d) proceeds from the resource indemnity and ground water assessment tax as authorized by 15-38-106;

(e) ~~funds~~ money received from the interest income of the resource indemnity trust fund pursuant to

15-38-202;

(f) ~~funds~~ money received from the interest income of the fund;

(g) ~~funds~~ money received from settlements pursuant to 75-10-719(7);

(h) ~~funds~~ money received from the interest paid pursuant to 75-10-722;

(i) costs recovered pursuant to 75-8-106(7) and penalties recovered pursuant to 75-8-109; and

(j) ~~funds~~ money transferred from the orphan share ~~account~~ fundpursuant to 75-10-743(10). The full amount of ~~these funds~~ this money must be dedicated each fiscal year as follows:

(i) 50% to the state's contribution for cleanup and long-term operation and maintenance costs at the Libby asbestos superfund site and allocated pursuant to 75-10-1603 and 75-10-1604; and

(ii) [(A) except for the amount provided in subsection (4)(j)(ii)(B),] 50% to metal mine reclamation projects at abandoned mine sites, as provided in 82-4-371. This subsection (4)(j)(ii) does not apply to exploration or mining work performed after March 9, 1971[, except as provided in subsection (4)(j)(ii)(B)]. Projects funded under this subsection (4)(j)(ii) are not subject to the requirements of Title 75, chapter 10, part 7.

[(B) $500,000 a year through June 30, 2038, for long-term maintenance and water treatment at the CR Kendall mine reclamation site. This transfer must be completed before initiating the transfer provided in subsection (4)(j)(ii)(A).]

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

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

(7) (a) There is established a fund in the state special revenue ~~account~~ fund type established in 17-7-102 for all ~~funds~~ money donated or granted from private parties to remediate a specific release at a specific facility. There must be deposited into the ~~account~~ fund the interest income earned on the account. A person is not liable under 75-10-715 solely as a result of contributing to this ~~account~~ fund.

(b) ~~Funds~~ Money donated or granted for a specific project pursuant to this subsection (7) must be accumulated in the fund until the balance of the donated or granted ~~funds~~ money is sufficient, as determined

by the department, to remediate the facility pursuant to the requirements of 75-10-721 for which the ~~funds are~~ money was donated.

(c) If the balance of the fund created in this subsection (7), as determined by the department pursuant to the requirements of 75-10-721, is not sufficient to remediate the facility within 1 year from the date of the initial contribution, all donated or granted ~~funds~~money, including any interest on those donated or granted ~~funds~~money, must be returned to the grantor.

(d) If the balance for a specific project is determined by the department to be sufficient to remediate the facility pursuant to the requirements of 75-10-721, the department shall give that site high priority for remedial action, using the ~~funds~~ money donated under this subsection (7).

(e) This subsection (7) is not intended to delay, to interfere with, or to diminish the authority or actions of the department to investigate, negotiate, and take legal action, as appropriate, to identify liable persons, to obtain the participation and financial contribution of liable persons for the remedial action, to achieve remedial action, and to recover costs and damages incurred by the state.

(f) The department shall expend the ~~funds~~ money in a manner that maximizes the application of the ~~funds~~ money to physically remediating the specific release.

(8) (a) A person may donate in-kind services to remediate a specific release at a specific facility pursuant to subsection (7). A person who donates in-kind services is not liable under 75-10-715 solely as a result of the contribution of in-kind services.

(b) A person who donates in-kind services with respect to remediating a specific release at a specific facility is not liable under this part to any person for injuries, costs, damages, expenses, or other liability that results from the release or threatened release, including but not limited to claims for indemnification or contribution and claims by third parties for death, personal injury, illness, loss of or damage to property, or economic loss.

(c) Immunity from liability, pursuant to subsection (8)(b), does not apply in the case of a release that is caused by conduct of the entity providing in-kind services that is negligent or grossly negligent or that constitutes intentional misconduct.

(d) When a person is liable under 75-10-715 for costs or damages incurred as a result of a release or threatened release of a hazardous or deleterious substance, the person may not avoid that liability or

responsibility under 75-10-711 by subsequent donations of money or in-kind services under the provisions of subsection (7) and this subsection (8).

(e) Any donated in-kind services that are employed as part of a remedial action pursuant to this subsection (8) must be approved by the department as appropriate remedial action. (Bracketed language in subsection (4)(j)(ii) terminates June 30, 2038--sec. 6, Ch. 196, L. 2025; subsection (4)(j) terminates June 30, 2038--sec. 3, Ch. 196, L. 2025.)"

Section 115. Section 75-10-1203, MCA, is amended to read:

"**75-10-1203. Special revenue ~~account~~fund.** There is ~~an account~~a fund in the state special revenue fund type established in 17-2-102. Money in the ~~account~~ fund must be used to fund administration and enforcement of this part. The department shall use $50 of each license fee collected under 75-10-1212 to provide training and education for those licensed under this part."

Section 116. Section 75-11-708, MCA, is amended to read:

"**75-11-708. Brownfields site redevelopment fund -- statutory appropriation.** (1) It is the intent of the brownfield program to strengthen communities throughout this state and to promote economic development by encouraging environmental remediation activities and brownfields redevelopment of properties blighted by real or perceived contamination.

(2) ~~The~~ There is a brownfields site redevelopment fund ~~is an account~~ in the state special revenue fund type established in 17-2-102 for assessment and cleanup of brownfield sites.

(3) The money in the ~~account~~ fund:

(a) may be deposited through an allocation of money.

(b) must be deposited through money received by the department in the form of legislative appropriations, reimbursements, gifts, or donations from any source that is intended to be used for the purposes of this ~~account~~ fund.

(4) The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department to be used only for:

(a) investigation and cleanup of petroleum or hazardous substances on an eligible site or facility

for the purposes of brownfields redevelopment;

(b) demolition of structures, buildings, or other improvements located on an eligible site or facility;

(c) interior contaminant abatement activities on an eligible site or facility for asbestos abatement activities, as described in 75-2-502, or lead-based paint abatement activities as described in 40 CFR, part 745, subpart E; or

(d) removal of underground tank systems.

(5) Any unspent or unencumbered money in the ~~account~~ fund at the end of a fiscal year must remain in the ~~account~~ fund.

(6) Interest income on the account must deposited and remain in the ~~account~~ fund."

Section 117. Section 75-25-101, MCA, is amended to read:

"**75-25-101. Alternative energy revolving loan ~~account~~fund.** (1) There is a special revenue ~~account~~ fund in the state special revenue fund type established in 17-2-102 called the alternative energy revolving loan account to the credit of the department of environmental quality.

(2) The alternative energy revolving loan ~~account~~ fund consists of money deposited into the ~~account~~ fund from air quality penalties from 75-2-401 and 75-2-413 and money from any other source. Any interest earned by the ~~account~~ fund and any interest that is generated from a loan repayment must be deposited into the ~~account~~ fund and used to sustain the program.

(3) ~~Funds~~ Money from the alternative energy revolving loan ~~account~~ fund may be used to provide loans to individuals, small businesses, units of local government, units of the university system, and nonprofit organizations for the purpose of building alternative energy systems, as defined in 15-32-102:

(a) to generate energy for their own use;

(b) for net metering as defined in 69-8-103; and

(c) for capital investments by those entities for energy conservation purposes, as defined in 15-32-102, when done in conjunction with an alternative energy system.

(4) The amount of a loan may not exceed $40,000, and the loan must be repaid within 10 years."

Section 118. Section 76-4-132, MCA, is amended to read:

"**76-4-132. Special revenue ~~account~~ fund-- deposit and use of fees.** (1) All fees collected by the department under 76-4-105 must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102.

(2) Funds in the ~~account~~ fund established in subsection (1) may be used only as provided in 76-4-105."

Section 119. Section 76-13-150, MCA, is amended to read:

"**76-13-150. Fire suppression ~~account~~ fund-- fund transfer.** (1) There is a fire suppression ~~account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department.

(2) The legislature may transfer money from other funds to the ~~account~~ fund, and the money in the ~~account~~ fund is subject to legislative fund transfers.

(3) ~~Funds~~ Money received for restitution by private parties must be deposited in the ~~account~~ fund.

(4) Money in the ~~account~~ fund may be used only for:

(a) fire suppression costs;

(b) fuel reduction and mitigation;

(c) forest restoration;

(d) grants for the purchase of fire suppression equipment for county cooperatives;

(e) forest management projects on federal land;

(f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects;

(g) road maintenance on federal lands; and

(h) fire preparedness.

(5) In an even-numbered calendar year, after the transfers made pursuant to 17-7-130, if the preliminary general fund ending balance at fiscal yearend was greater than 8.3% of all general revenue appropriations in the second year of the biennium, then the state treasurer shall transfer from the general fund to the fire suppression ~~account funds~~ fund money sufficient to bring the fire suppression ~~account~~ fund balance to 6% of the general revenue appropriations in the second year of the biennium. The transfer may not cause

the general fund ending fund balance to have a balance of less than 8.3% of all general revenue appropriations in the second year of the biennium.

(6) The provisions of subsection (5) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (5) would require reductions pursuant to 17-7-140.

(7) If the balance in the ~~account~~ fund at the end of the most recently completed odd-numbered fiscal year exceeds 3% of all general revenue appropriations in the second year of the biennium, then up to 1% of all general revenue appropriations in the second year of the biennium may be used and is statutorily appropriated from the fire suppression ~~account~~ fund for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f).

(8) Up to 0.5% of all general revenue appropriations in the second year of the biennium is statutorily appropriated from the fire suppression ~~account~~ fund each year and may be used each year to the department for the item in subsection (4)(h).

(9) Money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)."

Section 120. Section 77-1-108, MCA, is amended to read:

"**77-1-108. Trust land administration ~~account~~ fund-- administrative costs -- appropriation.** (1) There is a trust land administration ~~account~~ fund in the state special revenue fund type established in 17-2-102. Money in the ~~account~~ fund is available to the department by appropriation and must be used to pay the costs of administering state trust lands. This includes the cost of managing assets, including but not limited to real property and monetary assets.

(2) Appropriations from the ~~account~~ fund for each fiscal year may not exceed an amount equal to 25% of the distributable revenue, as defined in 77-1-101, generated in the fiscal year completed prior to the legislative session that will appropriate money for the next biennium. This excludes revenue generated by the forest improvement fee provided for in 77-5-204.

(3) (a) Pursuant to subsection (1), the administrative costs must be determined for each land trust. The department may adopt rules regarding the calculation of administrative costs as necessary.

(b) Each fiscal year, the department shall compare administrative costs for each land trust to the

amount of revenue that land trust generates for the ~~account~~ fund. If the amount of revenue deposited pursuant to 77-1-109(2) exceeds the administrative costs for a specific land trust, the excess revenue must be distributed as provided in subsection (4) of this section.

(c) If revenue deposited from a specific land trust is insufficient to defray the administrative costs associated with managing that land trust and the money held for that trust in the earnings reserve ~~account~~ fund established in 77-1-132 is also insufficient, the board may receive a general fund loan pursuant to 17-2-107 to offset the difference. A general fund loan made pursuant to this subsection (3)(c) must be repaid within 5 years and must bear interest at a rate of return equal to that earned by the board of investments' short-term investment pool during that period.

(4) (a) Except as provided in subsections (4)(b) and (5), up to one-third of the unreserved distributable revenue remaining in the ~~account~~ fund at the end of a fiscal year may be transferred to the earnings reserve ~~account~~ fund provided for in 77-1-132 and accounted for by trust. The remaining unreserved revenue must be transferred to each of the permanent funds in proportionate shares to each fund's contribution to the ~~account~~ fund.

(b) At the end of the fiscal year, unreserved ~~funds~~ money received pursuant to 77-1-109(2)(a)(ii) and (2)(a)(iii) must be transferred to each of the permanent funds or to the appropriate trust or distributed to the beneficiary in proportionate shares to each fund's contribution to the ~~account~~ fund.

(5) (a) The amount of $80,000 each biennium is transferred from the state general fund to ~~an account~~a fund in the state special revenue fund type established in 17-2-102. The account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes of administering the land granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329. Any unexpended portion of the statutory appropriation may be retained in the ~~account~~ fund and used for the administration of the Morrill Act land.

(b) At the end of each fiscal year, the department shall pay from the appropriation in subsection (5)(a) to the trust containing proceeds derived from land granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329, an amount calculated to be the cost of administering the investment of the fund derived from that trust. The payment must be based upon the percentage that the Morrill Act fund constitutes of the total fund derived from all trust lands. If the

appropriation in subsection (5)(a) is insufficient to pay the calculated administrative cost, a general fund loan may be used pursuant to 17-2-107 to offset the difference."

Section 121. Section 77-1-131, MCA, is amended to read:

"**77-1-131. (Temporary) State lands historic right-of-way ~~account~~fund .** There is a state lands historic right-of-way ~~account~~ fund in the state special revenue fund type established in 17-2-102. The application fee collected by the department pursuant to 77-1-130(1)(a) must be deposited in the ~~account~~ fund. Money in the ~~account~~ fund must be used for the expenses of the department in administering 77-1-130. Money in the ~~account~~ fund on the termination date of the ~~account~~ fund must be deposited in the general fund. (Terminates October 1, 2031--secs. 2 through 5, Ch. 325, L. 2015.)"

Section 122. Section 77-1-132, MCA, is amended to read:

"**77-1-132. Earnings reserve ~~account~~fund.** (1) There is an earnings reserve ~~account~~ fund in the state special revenue fund type established in 17-2-102.

(2) ~~Funds are~~Money is deposited in the earnings reserve ~~account~~ fund in accordance with the provisions of 77-1-108(4)(a) and must be accounted for by trust.

(3) The balance of this ~~account~~ fund may not exceed two times the appropriation to the trust land administration ~~account~~ fund for the last completed fiscal year prior to the legislative session that will appropriate money for the next biennium.

(4) The earnings reserve ~~account~~ fund must be invested. Any interest earned must be deposited in the earnings reserve ~~account~~ fund in proportionate share to each fund's contribution to the ~~account~~ fund."

Section 123. Section 77-5-404, MCA, is amended to read:

"**77-5-404. Special revenue ~~account~~ fund-- donations.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. The department shall deposit in the ~~account~~ fund money received from gifts, grants, bequests, or endowments from public or private sources, and the funds must be used to carry out the provisions of this part. The money in the ~~account~~ fund may be spent in accordance with a legislative appropriation.

(2) The department may accept donations of labor, material, seedlings, and equipment from public or private sources for the purpose of carrying out the provisions of this part."

Section 124. Section 80-4-415, MCA, is amended to read:

"**80-4-415. Creation of commodity dealer/public warehouse operators ~~account~~ fund-- deposit of funds.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. All revenue received under this chapter must be deposited in the ~~account~~ fund.

(2) Money received as revenue under this chapter that is not immediately required for the purposes of this chapter must be invested under the provisions of the unified investment program established in Title 17, chapter 6, part 2. All earned interest must be deposited in the ~~account~~ fund."

Section 125. Section 80-5-132, MCA, is amended to read:

"**80-5-132. Deposit of funds -- seed ~~account~~fund.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 to be known as the seed ~~account~~ fund. All inspection, license, assessment, filing, and penalty fee revenue collected under this chapter must be deposited in the seed ~~account~~ fund. ~~Funds~~ Money received from any source, such as gifts, grants, cost-share ~~funds~~money, and other ~~funds~~ money designated for purposes consistent with this chapter, may also be deposited in the seed ~~account~~ fund.

(2) Money received as revenue under this chapter not immediately required for the purposes of this chapter must be invested under the provisions of the unified investment program established in Title 17, chapter 6, part 2. All interest earned on the seed ~~account~~ fund must be deposited in the seed account."

Section 126. Section 80-6-1109, MCA, is amended to read:

"**80-6-1109. Fees to be set by rule -- ~~account~~ fund established.** (1) Fees authorized to be charged by this part must be set by department rule.

(2) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 known as the leaf-cutting bee account for use by the department. The ~~account~~ fund is made up of:

(a) fees collected under this part; and

(b) any grants, donations, or gifts made to the department and designated for the purposes of this

part.

(3) The department may direct the board of investments to invest money from the ~~account~~ fund pursuant to the provisions of the unified investment program. The income from investments must be credited to the leaf-cutting bee ~~account~~ fund."

Section 127. Section 80-7-123, MCA, is amended to read:

"**80-7-123. Nursery ~~account~~ fund-- investment of funds.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. All fee revenue and reimbursements for costs authorized under 80-7-106, 80-7-110, 80-7-135, and this section must be deposited in this ~~account~~ fund. Revenue in the ~~account~~ fund must be used for the purposes and provisions of this part.

(2) Revenue received under 80-7-106, 80-7-110, 80-7-135, and this section not immediately required for the purposes of 80-7-106, 80-7-110, 80-7-135, and this section must be invested in accordance with the unified investment program established in Title 17, chapter 6, part 2. Income from the investments must be deposited in the ~~account~~ fund."

Section 128. Section 80-7-908, MCA, is amended to read:

"**80-7-908. Deposit and disbursement of funds -- records -- investment.** (1) There is a state noxious weed forage ~~account~~ fund in the state special revenue account type established in 17-2-102. All ~~funds~~ money received by the department from fees or penalties collected or received under 80-7-905 through 80-7-907, 80-7-921, and 80-7-922(1) and all other related ~~funds~~ money received must be deposited in the state noxious weed forage ~~account~~ fund.

(2) The department may by contract allow for the collection of fees authorized under 80-7-907. A portion of the fees collected may be retained by the collector, and the portion of the fees assigned to the department must be submitted to the department. The contract must require:

(a) a record of the name of the person collecting fees;

(b) a record of fees collected;

(c) a record of the amounts submitted to the department;

(d) a record of the amount retained by the collector; and

(e) that all records be kept in accordance with generally accepted accounting principles.

(3) ~~Funds~~ Money received under 80-7-905 through 80-7-907, 80-7-921, and 80-7-922(1) that are not immediately required for the purposes of this part must be invested under provisions of the unified investment program established in Title 17, chapter 6, part 2. The income from the investments must be deposited in the state special revenue fund and credited to the department.

(4) ~~Funds~~ Money received pursuant to this part are available for appropriation to the department for the administration of the noxious weed seed free forage program and for the purposes of this part."

Section 129. Section 80-7-1004, MCA, is amended to read:

"**80-7-1004. Invasive species ~~account~~fund.** (1) There is an invasive species ~~account~~ fund in the state special revenue fund type established in 17-2-102. The ~~account~~ fund is administered by the department of fish, wildlife, and parks.

(2) Money transferred from any lawful source, including but not limited to fees collected pursuant to 15-65-121, 15-72-601, and 23-2-541, and gifts, grants, donations, securities, or other assets, public or private, may be deposited in the ~~account~~ fund.

(3) Subject to subsection (4), money deposited in the ~~account~~ fund must be used for projects that prevent or control any nonnative, aquatic invasive species pursuant to this part.

(4) Any private contribution deposited in the ~~account~~ fund for a particular purpose, as stated by the donor, must be used exclusively for that purpose.

(5) At the end of each fiscal year, the unreserved balance ~~funds~~ in the ~~account~~ fund, including any interest and earnings, must be transferred to the invasive species trust fund established in 80-7-1016.

(6) The department of fish, wildlife, and parks may recover not more than 5% in indirect costs from the invasive species ~~account~~ fund."

Section 130. Section 80-8-112, MCA, is amended to read:

"**80-8-112. Deposit of waste pesticide and pesticide container collection, disposal, and recycling fees.** (1) All license, permit, and special fees paid to the department to fund the waste pesticide and pesticide container collection, disposal, and recycling program and any grants or gifts accepted by the

department pursuant to 80-8-111(1) must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102.

(2) Money in the ~~account~~ fund must be used by the department to administer the waste pesticide and pesticide container collection, disposal, and recycling program provided for in 80-8-111. Unencumbered and unexpended money remaining in the ~~account~~ fund at the end of the fiscal year may not lapse but must be carried forward for the purposes of this subsection until appropriated by subsequent legislative action."

Section 131. Section 80-11-210, MCA, is amended to read:

"**80-11-210. Wheat and barley ~~account~~ fund-- sources -- use -- expenditures.** (1) There shall be ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 known as the wheat and barley ~~account~~ fund. The following shall be placed in the account:

(a) the proceeds of all millage levies collected under this part; and

(b) the proceeds from all gifts, grants, or donations to the department for research authorized under this part.

(2) The ~~account~~ fund shall be maintained for the purposes of this part and shall be separate from all other ~~accounts~~ funds of the department.

(3) The department may direct the board of investments to invest ~~funds from the account~~ money from the fund pursuant to the provisions of the unified investment program for state funds. The income from such investments shall be credited to the wheat and barley ~~account~~ fund."

Section 132. Section 80-11-518, MCA, is amended to read:

"**80-11-518. ~~Account~~ Fund established -- sources -- use -- expenditures.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 into which must be placed:

(a) the proceeds of all commodity assessments and penalties collected under this part; and

(b) the proceeds from all gifts, grants, and donations to the department for commodity research and market development received under 80-11-517.

(2) ~~Funds~~ Money deposited in the account fund for a specific commodity research and market development program may be expended only for the purposes of that program.

(3) Money deposited in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department for purposes of this part.

(4) The department may direct the board of investments to invest ~~funds from the account~~ money from the fund pursuant to the provisions of the unified investment program for state funds. Income from the investments must be credited to the ~~account~~ fund.

(5) The department may assess costs for the services that it provides to each commodity research and market development program. However, the costs assessed must be commensurate to the cost of the services provided."

Section 133. Section 80-11-602, MCA, is amended to read:

"**80-11-602. ~~Account~~ Fund established -- sources -- use -- expenditures.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. The following must be placed in the account:

(a) the proceeds from all gifts, grants, or donations to the department for development and administration of the state organic certification program authorized under 80-11-601; and

(b) the proceeds of assessments, penalties, and other money collected pursuant to a state organic certification program when implemented pursuant to 80-11-601.

(2) The ~~account~~ fund must be maintained for the purposes of 80-11-601 and must be separate from all other ~~accounts~~ funds of the department.

(3) The department may direct the board of investments to invest ~~funds from the account~~ money from the fund pursuant to the provisions of the unified investment program for state funds. The income from those investments must be credited to the ~~account~~ fund established in this section."

Section 134. Section 80-11-1006, MCA, is amended to read:

"**80-11-1006. Pulse crop ~~account~~ fund-- sources -- use -- expenditures.** (1) There is a pulse crop ~~account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department for use as provided in this section.

(2) The ~~account~~ fund consists of:

(a) proceeds from assessments collected pursuant to 80-11-1004; and

(b) gifts, grants, and donations to the department for research authorized under this part.

(3) Money in the ~~account~~ fund must be used for the purposes of this part and is separate from all other ~~accounts~~ funds of the department.

(4) Money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department of agriculture for use by the Montana pulse crop committee for the purposes of this part. Expenditures for administrative costs allowed under 80-11-1003(2) must be made from temporary appropriations, as described in 17-7-501(1) or (2), made for that purpose.

(5) The department may direct the board of investments to invest ~~funds from the account~~ money from the fund pursuant to the provisions of the unified investment program for state funds. The income from the investments must be credited to the pulse crop ~~account~~ fund."

Section 135. Section 81-10-103, MCA, is amended to read:

"**81-10-103. Horse owner amnesty special revenue ~~account~~fund.** (1) There is a horse owner amnesty ~~account~~ fund in the state special revenue fund type established in 17-2-102. Money must be deposited in the ~~account~~ fund pursuant to 81-10-102(6) and subsection (2) of this section.

(2) Money received by the state in the form of gifts, grants, reimbursements, or allocations from any source to be used for the purposes of defraying the costs of this part must be deposited in the ~~account~~ fund.

(3) The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department of livestock, which shall use the funds to defray the costs of this part."

Section 136. Section 82-11-181, MCA, is amended to read:

"**82-11-181. (Effective on occurrence of contingency) Geologic storage reservoir administrative fee -- ~~account~~ fund established.** (1) (a) A geologic storage operator shall pay to the board a fee on each ton of carbon dioxide injected for storage for the purpose of carrying out the state's responsibility to monitor and manage geologic storage reservoirs. If a geologic storage operator chooses to indefinitely accept liability pursuant to 82-11-183(9)(a), the board shall remit the fee to the operator. If a geologic storage operator is

required to maintain liability pursuant to 82-11-183(9)(b), the board may not remit the fee.

(b) The fee must be in the amount set by board rule.

(c) The amount must be based on the anticipated actual expenses that the board will incur in monitoring and managing geologic storage reservoirs during their postclosure phases.

(2) There is a geologic storage reservoir program ~~account~~ fund in the special revenue fund type established in 17-2-102.

(3) (a) Each fiscal year there must be deposited in the acc~~o~~ fund unt the fees collected pursuant to 82-11-184(2)(b) and subsection (1) of this section, to be used by the board for monitoring and managing geologic storage reservoirs pursuant to 82-11-183(6) and (8).

(b) ~~Funds~~ Proceeds received from bonds or other surety as authorized in 82-11-123(1)(f) and 82-11-183 must be deposited in the ~~account~~ fund.

(4) Interest and earnings on the ~~funds~~ money in the geologic storage reservoir program ~~account~~ fund accrue to that acc~~o~~ fund unt."

Section 137. Section 85-2-318, MCA, is amended to read:

"**85-2-318. Water right appropriation ~~account~~fund.** There is established a water right appropriation ~~account~~ fund in the state special revenue fund ~~of the state treasury~~ type established in 17-2-102. All fees collected as provided in 85-2-113 shall be deposited in the ~~account~~ fund to help pay the expenses incurred by the department for administering and enforcing this part, part 1, part 4, and part 5 of chapter 2, Title 85, and Title 37, chapter 43."

Section 138. Section 85-20-1007, MCA, is amended to read:

"**85-20-1007. Peoples Creek minimum flow ~~account~~fund.** (1) ~~A~~ There is a fund in the state special revenue ~~account~~ fund type established in 17-2-102, called the Peoples Creek minimum flow ~~account~~, ~~is~~ fund established, ~~as provided for in 17-2-102,~~ for deposit of ~~funds~~ money and interest on ~~funds~~ money for efficiency improvements and bypass structures for irrigation upstream from the Fort Belknap Reservation in the Peoples Creek Basin 40I and for a reservoir on the Reservation for the purpose of improving minimum stream flow.

(2) On approval of a final decree pursuant to Article VII of the compact, the ~~funds~~ money and

interest on ~~funds~~ money in the Peoples Creek minimum flow ~~account~~ fund must be made available to the water users and the tribes to cover the cost of construction of improvements as agreed to in the state and federal cost-share negotiations."

Section 139. Section 85-20-1504, MCA, is amended to read:

"**85-20-1504. Blackfeet Tribe water rights compact mitigation ~~account~~ fund-- use.** (1) There is ~~an account~~ a fund within the state special revenue fund type established in 17-2-102 called the Blackfeet Tribe water rights compact mitigation ~~account~~ fund. The department shall administer the ~~account~~ fund. All interest and other income earned on money in the ~~account~~ fund must be deposited in the ~~account~~ fund.

(2) The Blackfeet Tribe water rights compact mitigation ~~account~~ fund may be used only for:

(a) expenditures for grants to or matching funds for federal or other grants to water right holders under state law for water from Birch Creek, Badger Creek, Cut Bank Creek, the Two Medicine River, and the portion of the Milk River within the exterior boundaries of the Blackfeet Indian reservation for projects approved by the department to enhance water availability or otherwise mitigate the economic and hydrologic impacts on water right holders under state law caused by the development of the Blackfeet Tribe's water rights under a water rights compact pursuant to 85-2-702 quantifying the water rights of the Blackfeet Tribe; and

(b) implementation of the water rights compact among the Blackfeet Tribe, the state, and the United States and any associated agreements as may be specified in the compact or agreements.

(3) (a) At least $4.5 million of this ~~account~~ fund must be dedicated to mitigate impacts on water right holders under state law for use of water out of Birch Creek.

(b) The amount of $14 million in this ~~account~~ fund must be used to mitigate impacts of development of the tribal water right on water users as provided for in a February 13, 2009, amendment to an agreement between the Blackfeet Tribe of the Blackfeet Indian reservation and the state of Montana regarding Birch Creek water use entered into January 31, 2008.

(c) The amount of $10 million in this ~~account~~ fund must be held in escrow. The department shall negotiate the terms of an escrow agreement.

(4) ~~Funds~~ Money from this ~~account~~ fund may not be disbursed unless a water rights compact among the Blackfeet Tribe, the state, and the United States has been finally ratified by the legislature, the

Congress of the United States, and the Blackfeet Tribe.

(5) Money in the Blackfeet Tribe water rights compact mitigation ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department of natural resources and conservation."

Section 140. Section 87-1-201, MCA, is amended to read:

"**87-1-201. Powers and duties.** (1) Except as provided in subsection (13), the department shall supervise all the wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement voluntary programs that encourage hunting access on private lands and that promote harmonious relations between landowners and the hunting public. The department possesses all powers necessary to fulfill the duties prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules adopted by the department.

(2) Except as provided in subsection (13), the department shall enforce all the laws of the state regarding the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

(3) The department has the exclusive power to spend for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise. Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from fines or damages collected for violations of the fish and game laws, or from appropriations or received by the department from any other sources is under the control of the department and is available for appropriation to the department.

(4) The department may discharge any appointee or employee of the department for cause at any time.

(5) The department may dispose of all property owned by the state used for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds that is of no further value or use to the state and shall turn over the proceeds from the sale to the state treasurer to be credited to the fish and game ~~account~~ fund in the state special revenue fund type established in 17-2-102.

(6) (a) The department may not issue firearms within this state to anyone except:

(i) wardens; and

(ii) other qualified employees identified, trained, and certified by the department where necessary to perform assigned duties pursuant to subsection (7).

(b) Wardens, as authorized officers under 87-1-502, are the only department employees with the authority to enforce provisions of state law or administrative rule.

(7) (a) Department employees may be issued a firearm as allowed in subsection (6)(a)(ii) only after submitting a form of final approval as determined and approved by the department.

(b) Department-issued firearms may be carried by an employee other than a warden only when the employee is engaged in work that requires the carrying of a firearm, as determined by the department.

(c) When a department-issued firearm is no longer necessary to perform an employee's required duties, the employee shall return the issued firearm to secure storage in the regional office to which the employee is attached.

(8) Except as provided in subsection (13), the department is authorized to make, promulgate, and enforce reasonable rules and regulations not inconsistent with the provisions of Title 87, chapter 2, that in its judgment will accomplish the purpose of chapter 2.

(9) The department is authorized to promulgate rules relative to tagging, possession, or transportation of bear within or outside of the state.

(10) (a) The department shall implement programs that:

(i) manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq.;

(ii) manage listed species, sensitive species, or a species that is a potential candidate for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., in a manner that assists in the maintenance or recovery of those species;

(iii) manage elk, deer, and antelope populations based on habitat estimates determined as provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as provided in 87-1-323. In implementing an elk management plan, the department shall, as necessary to achieve harvest and population objectives, request that land management agencies open public lands and

public roads to public access during the big game hunting season.

(iv) in accordance with the forest management plan required by 87-1-622, address fire mitigation, pine beetle infestation, and wildlife habitat enhancement giving priority to forested lands in excess of 50 contiguous acres in any state park, fishing access site, or wildlife management area under the department's jurisdiction.

(b) In maintaining or recovering a listed species, a sensitive species, or a species that is a potential candidate for listing, the department shall seek, to the fullest extent possible, to balance maintenance or recovery of those species with the social and economic impacts of species maintenance or recovery.

(c) Any management plan developed by the department pursuant to this subsection (10) is subject to the requirements of Title 75, chapter 1, part 1.

(d) This subsection (10) does not affect the ownership or possession, as authorized under law, of a privately held listed species, a sensitive species, or a species that is a potential candidate for listing.

(11) The department shall publish an annual game count, estimating to the department's best ability the numbers of each species of game animal, as defined in 87-2-101, in the hunting districts and administrative regions of the state. In preparing the publication, the department may incorporate field observations, hunter reporting statistics, or any other suitable method of determining game numbers. The publication must include an explanation of the basis used in determining the game count.

(12) The department shall report current sage grouse population numbers, including the number of leks, to the Montana sage grouse oversight team, established in 2-15-243, and the environmental quality council in accordance with 5-11-210 on an annual basis. The report must include seasonal and historic population data available from the department or any other source.

(13) The department may not regulate the use or possession of firearms, firearm accessories, or ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

(a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the establishment of special archery seasons and the special muzzleloader heritage hunting season established in 87-1-304;

(b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including bows and arrows, traditional handguns, and muzzleloading rifles;

(c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

(d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

(e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

(14) The department shall publish an annual public report that shows the number of licenses sold to nonresidents in the previous license year for each species in which the purchase of a license or permit is required. The report must also show how many licenses were issued through opportunities or programs for nonresidents, such as those for the following:

(a) youths;

(b) college students;

(c) nonresidents who were former residents;

(d) nonresident licenses purchased by utilizing an outfitter preference point;

(e) sponsorships by a landowner, family member, or current Montana resident; or

(f) any other license opportunity or program for nonresidents.

(15) The department shall publish an annual public report that shows the data on each hunting district for elk, deer, and antelope by both resident and nonresident hunters. The report must be created using currently available data and must include:

(a) the estimated number of resident hunters, nonresident hunters, and total hunters who hunted in the district;

(b) the estimated number of days the district was hunted by resident hunters, nonresident hunters, and total hunters;

(c) the estimated average number of days that resident hunters, nonresident hunters, and total hunters used the district per hunter; and

(d) the species being hunted in the district."

Section 141. Section 87-1-290, MCA, is amended to read:

"**87-1-290. Hunting access ~~account~~fund.** (1) There is a hunting access ~~account~~ fund in the state special revenue fund type established in 17-2-102. ~~Funds~~ Money deposited in this ~~account~~ fund must be used for the purpose of funding any hunting access program.

(2) The following funds must be deposited in the ~~account~~ fund:

(a) 28.5% of the fee for Class B-10 nonresident big game combination licenses pursuant to 87-2-505 and 28.5% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510;

(b) 28.5% of the fee for hunting licenses issued to nonresident relatives of a resident pursuant to 87-2-514;

(c) the hunting access fees collected pursuant to 87-2-116; and

(d) limited drawing refunds received pursuant to 87-2-124.

(3) Any interest or income earned on the ~~account~~ fund must be deposited in the ~~account~~ fund."

Section 142. Section 87-1-621, MCA, is amended to read:

"**87-1-621. Forest management ~~account~~fund .** (1) There is a fund in the special revenue ~~account~~ fund type established in 17-2-102 called the forest management ~~account~~ fund to the credit of the department of fish, wildlife, and parks.

(2) The forest management ~~account~~ fund consists of money deposited into the ~~account~~ fund from forest management projects undertaken pursuant to 87-1-622 and from any other source. Any interest earned by the account must be deposited into the ~~account~~ fund.

(3) Except as otherwise directed by state or federal law, funds from the forest management ~~account~~ fund must be used by the department to implement forest management projects that may result pursuant to the provisions of 87-1-622."

Section 143. Section 87-2-411, MCA, is amended to read:

"**87-2-411. (Temporary) Migratory game bird licenses -- fees -- disposition of proceeds.** (1) The fee for a resident to purchase the migratory game bird license is $5.50. The fee for a nonresident to purchase the migratory game bird license is $150.

(2) Money received from the sale of migratory game bird licenses must be deposited in an account in the state special revenue fund for the use of the department and may be expended only for the protection, conservation, and development of wetlands in Montana.

87-2-411. (Effective March 1, 2026) Migratory game bird, sandhill crane, and swan licenses --

fees -- disposition of proceeds. (1) The fee for a resident to purchase a migratory game bird license is $10. The fee for a nonresident to purchase a migratory game bird license is $150.

(2) The fee for a resident to purchase a sandhill crane license is $10. The fee for a nonresident to purchase a sandhill crane license is $75. A person who purchases a sandhill crane license shall also purchase a migratory game bird license.

(3) The fee for a resident to purchase a swan license is $10. The fee for a nonresident to purchase a swan license is $75. A person who purchases a swan license shall also purchase a migratory game bird license.

(4) Money received from the sale of migratory game bird, sandhill crane, and swan licenses must be deposited in ~~an account~~ a fund in the state special revenue fund type established in 17-2-102 for the use of the department and may be expended only for the protection, conservation, and development of wetlands in Montana."

Section 144. Section 90-1-135, MCA, is amended to read:

"**90-1-135. Special revenue ~~accounts~~funds.** (1) There is ~~a state special revenue account~~ a fund in the state ~~treasury~~ special revenue fund type established in 17-2-102 for the receipt of state and private funds and a federal special revenue ~~account~~ fund in the ~~state treasury~~ federal special revenue fund type established in 17-2-102 for the receipt of federal funds for expenditure by the state-tribal economic development commission established in 90-1-131.

(2) Money in the state special revenue ~~account~~ fund from proceeds distributed under 15-65-121 and 15-68-820 is to be used for activities for the Indian tourism region, defined in 15-65-101.

(3) Except as provided in subsection (2), money in the ~~accounts~~ funds established in subsection (1) must be used to pay the commission's administrative costs.

(4) Money in the ~~accounts~~ funds that is not expended for the purposes identified in subsection (2) or (3) may be used for other purposes that the commission considers prudent or necessary.

(5) Interest and income earned on the money in the ~~accounts~~ funds must be deposited in the ~~accounts~~ funds for the commission's use."

Section 145. Section 90-1-158, MCA, is amended to read:

"**90-1-158. Montana-Ireland trade development special revenue ~~account~~ fund.** (1) There is established in the state treasury the Montana-Ireland trade development ~~special revenue account~~ fund in the state special revenue fund type established in 17-2-102 to the credit of the department. The purposes of the ~~account~~ fund are to reimburse the department for the administrative expenses of the commission and to support the commission's efforts to carry out its purposes listed in 90-1-156.

(2) The ~~account~~ fund consists of all funds raised by or on behalf of the commission, together with any gifts, grants, or other donations. Interest on funds credited to the ~~account~~ fund must remain in the ~~account~~ fund."

Section 146. Section 90-1-205, MCA, is amended to read:

"**90-1-205. Economic development special revenue ~~account~~ fund.** (1) There is an economic development ~~state special revenue account~~fund in the state special revenue fund type established in 17-2-102. The ~~account~~ fund receives earnings from the big sky economic development fund as provided in 17-5-703. The money in the ~~account~~ fund may be used only as provided in this part.

(2) The money in the ~~account~~ fund is statutorily appropriated, as provided in 17-7-502, to the department. The money deposited in the ~~account~~ fund must be used as provided in this part, for administrative expenses, or for other economic development purposes."

Section 147. Section 90-1-409, MCA, is amended to read:

"**90-1-409. Montana geospatial information account.** (1) There is ~~established~~ a fund in the state special revenue fund ~~a~~ type established in 17-2-102 known as the Montana geospatial information account.

(2) All money received by the department of revenue pursuant to 7-4-2637(3)(a)(iii) must be deposited in the ~~account~~ fund.

(3) ~~Funds~~ Money in the account must be invested pursuant to Title 17, chapter 6, part 2. All interest and income earned on ~~funds~~ money in the ~~account~~ fund accrue to and must be deposited in the ~~account~~ fund."

Section 148. Section 90-1-501, MCA, is amended to read:

"**90-1-501. Revolving loan program for distressed wood products industry -- finding.** (1) Due to the current, well-documented decline in the wood products industry in Montana, the legislature finds that there is a need to assist the Montana wood products industry as a whole through a revolving loan program.

(2) There is ~~a special revenue account~~ a fund in the state special revenue fund established in 17-2-10 2called the distressed wood products industry revolving loan ~~account~~ fund to the credit of the department of commerce.

(3) (a) The distressed wood products industry revolving loan ~~account~~ fund consists of money deposited into the ~~account~~ fund from an appropriation in Chapter 489, Laws of 2009, and money from any other source. Any interest earned by the ~~account~~ fund must be deposited into the ~~account~~ fund and used to sustain the program.

(b) Loan repayments and any interest generated from loan repayments must be used as revolving loans for the wood products industry and are subject to the provisions of subsections (5) through (7).

(4) In any biennium, up to 36% of the ~~funds~~ money in the distressed wood products industry revolving loan ~~account~~ fund, not to exceed $2.7 million, may be used as matching funds to secure additional federal money. Federal ~~funds~~ money must be deposited in a fund in the federal special revenue ~~account~~ fund type established in 17-2-102 and used for loans in accordance with this part. State matching funds must be deposited in ~~a special revenue account~~ a fund in the state special revenue fund type established in 17-2-102 called the distressed wood products matching fund.

(5) (a) Funds from the distressed wood products industry revolving loan ~~account~~ fund may be loaned to:

(i) individuals, including private contractors related to the wood products industry; or

(ii) businesses defined as small businesses pursuant to the regulations promulgated by the United States small business administration pursuant to 13 CFR 121, et seq.

(b) Loans made pursuant to this subsection (5) must be made to individuals or small businesses that are part of the critical, primary wood-processing infrastructure and have suffered economic hardships.

(6) Loans must be used to sustain and grow the wood products industry in Montana. Loans may be used for:

(a) the purchase or lease of land or equipment;

(b) updating infrastructure, including retrofitting of infrastructure to facilitate new uses;

(c) working capital;

(d) debt service;

(e) matching funds for grants or other loans that comply with the intent of this section; or

(f) any other use the department determines would sustain and grow the wood products industry.

(7) (a) A loan may not exceed $2 million, and the loan must be repaid within 15 years.

(b) A loan recipient may apply for another loan pursuant to this section 2 years or more after the date the previous loan was approved."

Section 149. Section 90-6-304, MCA, is amended to read:

"**90-6-304. (Temporary) ~~Accounts~~ Funds established.** (1) There is within the state custodial fund type a hard-rock mining impact ~~account~~ fund. Money is payable into this ~~account~~ fund from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this ~~account~~ fund upon order of the board.

(2) There is within the state special revenue fund type established in 17-2-102 a hard-rock mining impact trust ~~account~~ fund. Within this trust ~~account~~ fund, there is established a reserve amount not to exceed $100,000.

(a) Money within the hard-rock mining impact trust ~~account~~ fund may be used:

(i) for the administrative and operating expenses of the board, as provided by 90-6-303(4);

(ii) to establish and maintain the reserve amount; and

(iii) for distribution to the counties of origin, as provided by 90-6-331 and this section.

(b) Money within the hard-rock mining impact trust ~~account~~ fund may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under 15-37-117(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve amount of revenue is necessary to allow the board to meet its quasi-

judicial responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

(3) Money is payable into the hard-rock mining impact trust account under the provisions of 15-37-117. After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then establishing and maintaining the reserve amount of $100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. (Terminates June 30, 2035--sec. 1, Ch. 181, L. 2025, sec. 3, Ch. 181, L. 2025.)

90-6-304. (Effective July 1, 2035) ~~Accounts~~ Funds established. (1) There is within the state custodial fund type a hard-rock mining impact ~~account~~ fund. Money is payable into this ~~account~~ fund from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this ~~account~~ fund upon order of the board.

(2) There is within the state special revenue fund type established in 17-2-102 a hard-rock mining impact trust ~~account~~ fund. Within this trust ~~account~~ fund, there is established a reserve amount not to exceed $100,000.

(a) Money within the hard-rock mining impact trust ~~account~~ fund may be used:

(i) for the administrative and operating expenses of the board, as provided by 90-6-303(4);

(ii) to establish and maintain the reserve amount; and

(iii) for distribution to the counties of origin, as provided by 90-6-331 and this section.

(b) Money within the hard-rock mining impact trust ~~account~~ fund may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under 15-37-117(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve amount of revenue is necessary to allow the board to meet its quasi-judicial responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

(3) Money is payable into the hard-rock mining impact trust ~~account~~ fund under the provisions of 15-37-117. After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then establishing and maintaining the reserve amount of $100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the ~~account~~ fund by county of origin. The state

treasurer shall draw warrants from this ~~account~~ fund upon order of the board."

Section 150. Section 90-6-1001, MCA, is amended to read:

"**90-6-1001. Oil, gas, and coal natural resource ~~accounts~~funds.** (1) There is an oil and gas natural resource distribution ~~account~~ fund in the state special revenue fund type established in 17-2-102. The collections allocated to the ~~account~~ fund from 15-36-331(2)(b) must be deposited in the ~~account~~ fund to be used as provided in 15-36-332(7).

(2) There is a coal natural resource ~~account~~ fund in the state special revenue fund type established in 17-2-102. The collections allocated to the ~~account~~ fund from 15-35-108(9) must be deposited in the ~~account~~ fund. The ~~account~~ fund receives earnings from the coal board fund as provided in 17-5-703. The money in the ~~account~~ fund is allocated to the coal board provided for in 2-15-1821 and may be used only for local impact grants provided for in 90-6-205 through 90-6-207 and costs related to the administration of the grant awards."

Section 151. Section 90-7-317, MCA, is amended to read:

"**90-7-317. Capital reserve ~~account~~fund.** (1) There is a capital reserve ~~account~~ fund in the enterprise fund type established in 17-2-102 and provided for in 90-7-202(17).

(2) The authority shall deposit into the capital reserve ~~account~~ fund:

(a) ~~funds~~ money from state appropriations received for deposit into the ~~account~~ fund, as provided in 90-7-319, for bonds issued to finance capital projects for community health facilities that contract with the state to provide health care services, bonds issued to finance the facilities described in 90-7-220 and 90-7-221, or bonds used to finance prerelease centers that contract with the state; and

(b) proceeds from the sale of bonds or notes to the extent provided in the resolutions or indentures of the authority authorizing their issuance.

(3) The authority may also deposit into the capital reserve ~~account~~ fund:

(a) revenue from fees and charges imposed by the authority;

(b) income from the investment of ~~funds~~ money belonging to the authority; and

(c) any other ~~funds~~ money that may be available to the authority for the purpose of the ~~account~~

fund from any other source, including loans authorized under 90-7-320."

Section 152. Section 90-9-301, MCA, is amended to read:

"**90-9-301. Agriculture seed capital ~~account~~ fund-- matching funds.** (1) There is an agriculture seed capital ~~account~~ fund in the state special revenue fund established in 17-2-102 to be administered by the council. Money received by the council under 90-9-306 must be deposited in this ~~account~~ fund.

(2) The council may loan or grant money from the agriculture seed capital ~~account~~ fund, pursuant to the provisions of 90-9-308 through 90-9-311."

Section 153. Section 90-14-107, MCA, is amended to read:

"**90-14-107. Office of community service -- ~~accounts~~funds.** (1) There is ~~an account~~ a fund in the state special revenue fund type established in 17-2-102. The office of community service and all participating agencies shall deposit any fee, grant, donation, or reimbursement received under this part into the ~~account~~ fund to be used to pay expenses for administering and providing service projects.

(2) There is ~~an account~~ fund in the federal special revenue fund type established in 17-2-102. The office of community service and all participating agencies shall deposit any federal revenue received under the National and Community Service Act of 1990, Public Law 101-610, as amended, and any other federal revenue received related to the purposes and implementation of the provisions of this part into the ~~account~~ fund to be used to pay expenses for administering and providing service projects.

(3) Reimbursement may be provided to state agencies for work on private property or for other public service. In the case of emergencies and natural disasters, projects may take place on properties not owned by a public agency without regard to private reimbursement.

(4) The office of community service may transfer ~~funds~~ money to participating state agencies for approved community service projects, and lead agencies may transfer ~~funds~~ money between each other for cooperative projects. Disbursement authority follows any transfers.

(5) Funds for additional personal services, operating costs, and equipment costs may be appropriated."

NEW SECTION. **Directions to code commissioner.** The code commissioner is authorized to replace the term "account" with the term "fund" through Montana code annotated.

NEW SECTION. **Section 154. Effective date.** [This act] is effective July 1, 2027.

- END -

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