

HOUSE BILL NO. 766

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO HUMAN TRAFFICKING;
ESTABLISHING HUMAN TRAFFICKING PREVENTION TRAINING FOR LODGING PROVIDERS;
PROVIDING FOR VOLUNTARY CERTIFICATION; REQUIRING PERSONS TRAVELING FOR STATE
SERVICE TO LODGE WITH CERTIFIED LODGING ESTABLISHMENTS; PROVIDING RULEMAKING
AUTHORITY; AND AMENDING SECTIONS 2-18-501 AND 45-5-701, MCA."

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

**NEW SECTION. Section 1. Human trafficking prevention training -- requirements --
responsibilities of department of justice -- voluntary certification of lodging establishments.** (1) (a) The
department of justice shall develop and implement an online human trafficking prevention training that meets
the requirements of subsection (3).

(b) The department may develop other formats of human trafficking prevention trainings, including
in-person and synchronous virtual trainings, that meet the requirements of subsection (3).

(c) The department may coordinate with other state agencies and other organizations to develop
and implement the training.

(2) The department may approve human trafficking prevention trainings developed by other
entities if the trainings meet the requirements of subsection (3).

(3) A human trafficking prevention training developed or approved by the department may include:

- (a) an overview of human trafficking;
- (b) state law on human trafficking, including definitions;
- (c) the difference between labor trafficking and sex trafficking;
- (d) unique considerations related to the trafficking of children;
- (e) unique considerations related to missing and trafficked indigenous people;

- 1 (f) specialized information on how human traffickers use lodging establishments;
- 2 (g) how to recognize potential victims of human trafficking;
- 3 (h) how to recognize potential human traffickers and activities associated with human trafficking;
- 4 (i) safe and effective responses to human trafficking situations, including how to report a situation
- 5 to law enforcement; and
- 6 (j) additional information the department of justice finds necessary.

7 (4) The department shall develop and maintain the following to certify a lodging establishment's
 8 voluntary completion of human trafficking prevention training:

- 9 (a) a certificate issued by the department for the lodging establishment to display to the public in
 - 10 one or more physical locations; and
 - 11 (b) a public-facing, online list that identifies certified lodging establishments in the state.
- 12 (5) The department may establish rules that it considers proper for the development and
 13 administration of human trafficking prevention training, approving human trafficking prevention trainings, and
 14 certifying lodging establishments that complete approved human trafficking prevention training.

15

16 **NEW SECTION. Section 2. Human trafficking prevention training -- voluntary certification of**
 17 **lodging establishments -- liability.** (1) A lodging establishment provider may require employees to complete a
 18 human trafficking prevention training approved or developed by the department of justice pursuant to [section
 19 1].

20 (2) To receive certification for a lodging establishment pursuant to [section 1(4)], the lodging
 21 establishment provider shall certify the following:

- 22 (a) each of a lodging establishment's current employees has completed human trafficking
- 23 prevention training approved or developed by the the department pursuant to [section 1]; and
- 24 (b) new employees, including seasonal and temporary employees, will complete human trafficking
- 25 prevention training approved or developed by the department within 30 days of their first day of employment.

26 (3) (a) A voluntarily certified lodging establishment found to be noncompliant with the requirements
 27 for voluntary certification has 60 days to become compliant. The certified lodging establishment maintains its
 28 voluntary certification.

1 (b) After 60 days of noncompliance, the department shall revoke the lodging establishment's
2 voluntary certification and remove the lodging establishment's name from the list of voluntarily certified lodging
3 establishments described in [section 1].

4 (4) A lodging establishment provider or lodging establishment employee who acts in good faith is
5 not liable for any act or omission related to human trafficking committed by a third party unless the provider or
6 employee purposely or knowingly assists in the commission of human trafficking.

7

8 **Section 3.** Section 2-18-501, MCA, is amended to read:

9 **"2-18-501. Meals, lodging, and transportation of persons in state service.** All elected state
10 officials, appointed members of boards, commissions, or councils, department directors, and all other state
11 employees must be reimbursed for meals and lodging while away from the person's designated headquarters
12 and engaged in official state business in accordance with the following provisions:

13 (1) (a) Except as provided under subsection (3), for travel within the state of Montana, lodging
14 must be authorized at the actual cost of lodging and taxes on the allowable cost of lodging, except as provided
15 in subsection (3), plus \$7.50 for the morning meal, \$8.50 for the midday meal, and \$14.50 for the evening meal
16 except as provided in subsection (10). All claims for lodging expense reimbursement allowed under this section
17 must be documented by an appropriate receipt.

18 (b) (i) Except as provided in subsection (1)(b)(ii), an agency may not reimburse for lodging
19 obtained at a lodging establishment that does not have voluntary certification for human trafficking prevention
20 training pursuant to [section 1].

21 (ii) An agency may reimburse for lodging obtained at a lodging establishment that does not have
22 voluntary certification for human trafficking prevention training if there is no voluntarily certified lodging
23 available.

24 (2) Except as provided in subsection (3), for travel outside the state of Montana and within the
25 United States, the following provisions apply:

26 (a) Lodging must be reimbursed at actual cost, not to exceed the prescribed maximum standard
27 federal rate per day for the location involved plus taxes on the allowable cost.

28 (b) Meal reimbursement may not exceed the prescribed maximum standard federal rate per meal.

1 (3) Except as provided in subsection (10), the department of administration shall designate the
2 locations and circumstances under which the governor, other elected state officials, appointed members of
3 boards, commissions, or councils, department directors, and all other state employees may be authorized the
4 actual cost of the following:

5 (a) meals, not including alcoholic beverages, when the actual cost exceeds the maximum
6 established in subsection (4)(a); and

7 (b) lodging when the actual cost exceeds the maximum established in subsection (2)(a) or (4)(a).

8 (4) Except as provided in subsection (3), for travel to a foreign country, the following provisions
9 apply:

10 (a) All elected state officials, all appointed members of boards, commissions, and councils, all
11 department directors, and all other state employees must be reimbursed as follows:

12 (i) \$7 for the morning meal, \$11 for the midday meal, and \$18 for the evening meal; and

13 (ii) \$155 per night for lodging.

14 (b) All claims for meal and lodging reimbursement allowed under this subsection (4) must be
15 documented by an appropriate receipt.

16 (5) When other than commercial, nonreceiptable lodging facilities are used by a state official or
17 employee while conducting official state business in a travel status, the amount of \$12 is authorized for lodging
18 expenses for each day in which travel involves an overnight stay in lieu of the amount authorized in subsection
19 (1)(a) or (2)(a). However, when overnight accommodations are provided at the expense of a government entity,
20 reimbursement may not be claimed for lodging.

21 (6) The actual cost of reasonable transportation expenses and other necessary business
22 expenses incurred by a state official or employee while in an official travel status is subject to reimbursement.

23 (7) The provisions of this section may not be construed as affecting the validity of 5-2-301.

24 (8) The department of administration shall establish policies necessary to effectively administer
25 this section for state government.

26 (9) All commercial air travel must be by the least expensive class service available.

27 (10) When the actual cost of meals exceeds the maximum standard allowed pursuant to subsection
28 (1)(a), the department of administration may authorize the actual cost of meals for firefighters.

1 (11) For the purposes of implementing subsection (10), the following definitions apply:

2 (a) "Firefighter" means a firefighter who is employed by the department of natural resources and
3 conservation and who is directly involved in the suppression of a wildfire in Montana.

4 (b) "Wildfire" means an unplanned, unwanted fire burning uncontrolled and consuming vegetative
5 fuels."

6

7 **Section 4.** Section 45-5-701, MCA, is amended to read:

8 **"45-5-701. Definitions.** As used in this part, the following definitions apply:

9 (1) "Adult" means a person 18 years of age or older.

10 (2) "Coercion" means:

11 (a) the use or threat of force against, abduction of, serious harm to, or physical restraint of a
12 person;

13 (b) the use of a plan, pattern, or statement with intent to cause a person to believe that failure to
14 perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of a
15 person;

16 (c) the abuse or threatened abuse of law or legal process;

17 (d) controlling or threatening to control a person's access to any substance defined as a
18 dangerous drug pursuant to Title 50, chapter 32, parts 1 and 2;

19 (e) the actual or threatened destruction or taking of a person's identification document or other
20 property;

21 (f) the use of debt bondage;

22 (g) the use of a person's physical or mental impairment when the impairment has a substantial
23 adverse effect on the person's cognitive or volitional function; or

24 (h) the commission of civil or criminal fraud.

25 (3) "Commercial sexual activity" means sexual activity for which anything of value is given to,
26 promised to, or received by a person.

27 (4) "Debt bondage" means inducing a person to provide:

28 (a) commercial sexual activity in payment toward or satisfaction of a real or purported debt; or

1 (b) labor or services in payment toward or satisfaction of a real or purported debt if:
 2 (i) the reasonable value of the labor or services is not applied toward the liquidation of the debt; or
 3 (ii) the length of the labor or services is not limited and the nature of the labor or services is not
 4 defined.

5 (5) "Human trafficking" means the commission of an offense under 45-5-702, 45-5-703, 45-5-704,
 6 or 45-5-705.

7 (6) "Identification document" means a passport, driver's license, immigration document, travel
 8 document, or other government-issued identification document, including a document issued by a foreign
 9 government.

10 (7) "Labor or services" means activity having economic value.

11 ~~(8)~~ "Lodging establishment" means a bed and breakfast, hotel, motel, roominghouse, guest ranch,
 12 outfitting and guide facility, or tourist home, as those terms are defined in 50-51-102, or a vacation rental
 13 advertised on an online hosting platform or short-term rental marketplace.

14 ~~(9)~~ "Lodging establishment employee" means a full-time, part-time, temporary, or seasonal
 15 employee of a lodging establishment.

16 ~~(10)~~ "Lodging establishment provider" means the owner or operator of a lodging establishment.

17 ~~(8)(11)~~ "Serious harm" means physical or nonphysical harm, including psychological, economic, or
 18 reputational harm to a person that would compel a reasonable person of the same background and in the same
 19 circumstances to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

20 ~~(9)(12)~~ "Sexual activity" means any sex act or simulated sex act intended to arouse or gratify the
 21 sexual desire of any person. The term includes a sexually explicit performance.

22 ~~(40)(13)~~ "Sexually explicit performance" means a live, public, private, photographed, recorded, or
 23 videotaped act or simulated act intended to arouse or gratify the sexual desire of any person."

24
 25 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 and 2] are intended to be codified
 26 as an integral part of Title 45, chapter 5, part 7, and the provisions of Title 45, chapter 5, part 7, apply to
 27 [sections 1 and 2].

28 - END -