

# 2021 67<sup>th</sup> Legislative Session Summary of Legislation Related to K-12 Education



*Putting Montana Students First*

June 2021

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**PLEASE NOTE:** This document contains brief summaries of bills relating to K-12 education that were considered and passed by the Montana Legislature during the 2021 Legislative Session. The summaries are not offered as legal advice nor as a definitive interpretation of these bills. For a more comprehensive understanding of the laws, please consult the original legislation.

**In the 67<sup>th</sup> Legislative Session, there was a total of 148 education-related bills.**

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# **LEGISLATION AFFECTING K-12 EDUCATION**

## **APPROPRIATIONS**

**HB 2** Llew Jones  
**General Appropriations Act**  
**Chapter: 573**      **Effective Date: July 1, 2021**

HB 2, and statutorily the guarantee account, provide the majority of the Office of Public Instruction appropriations for the biennium beginning July 1, 2021. The following table shows the total HB 2 and statutory appropriations for OPI:

**Total OPI Appropriations for the 2022-2023 Biennium**

<b>Funding Source</b>	<b>Distributed to Schools</b>	<b>State Level Activities</b>	<b>Total</b>
State General Fund	\$1,776,784,352	\$24,356,147	\$1,801,140,499
State Special Revenue	\$31,212,482	\$581,740	\$31,794,222
Federal Special Revenue	\$311,470,782	\$35,951,622	\$347,422,404
Statutory Appropriations	\$85,250,573	\$0	\$85,250,573
<b>Total</b>	<b>\$2,289,968,762</b>	<b>\$60,889,509</b>	<b>\$2,350,858,271</b>

The following summary describes appropriations for K-12 Education in HB 2:

### **K-12 EDUCATION, HB 2:**

- K-12 BASE Aid

The total estimated BASE Aid to be distributed to school districts is estimated to be \$837.295 million in FY 2022 and \$878.798 million in FY 2023. BASE Aid is funded first by the guarantee account with the balance funded from state general fund. The funding increases are driven by changes to ANB and inflation of 1.50% in FY 2022 and 2.57% in FY 2023 to various components of the school funding formula as required by statute (20-9-326, MCA) and made effective by HB 15. The following table summarizes the increases in each component of BASE Aid and the funding of the total increase above the 2021 base amount.

<u>Component</u>	<u>FY 2022</u>	<u>FY2023</u>	<u>Biennium</u>
Direct State Aid	11,919,938	32,331,795	44,251,733
GTB - School General Fund	7,502,720	22,063,084	29,565,804
GTB - School Retirement	3,041,094	5,194,344	8,235,438
Quality Educator	805,440	4,311,452	5,116,892
Indian Ed for All	53,565	211,050	264,615

Close Achievement Gap	121,127	245,021	366,148
Data for Achievement	50,567	201,979	252,546
State Audit Fees	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>23,494,451</u>	<u>64,558,725</u>	<u>88,053,176</u>
From Guarantee Account	(3,901,257)	(3,462,098)	(7,363,355)
From General Fund (HB 2)	19,593,194	61,096,627	80,689,821

- **At-Risk Student Payment**

Appropriates \$5.727 million from the state general fund in FY 2022 and \$5.874 million in FY 2023 for at-risk student payments under 20-9-328, MCA, to the school district general funds. This appropriation includes 1.50% inflation for FY 2022 and 2.57% for FY 2023 per 20-9-326, MCA.

- **Special Education**

Appropriates \$44.703 million from the state general fund in each of FY 2022 and FY 2023 for state special education payments to schools. No inflation for special education was appropriated in HB 2. HB 2 provides that the Special Education appropriation is to be considered as a portion of K-12 BASE aid for determination of allocation to school districts. HB46 (2021) revises the formula used to determine the Special Education appropriation and will include inflation in future years.

- **Transportation Aid**

Appropriates \$11.999 million from the state general fund in each year of the biennium for state reimbursements to school districts for pupil transportation. These appropriations are equivalent to the FY 2021 base appropriation.

- **In-State Treatment**

Appropriates \$1.097 million in FY 2022 and \$1.124 million in FY 2023 from the state general fund for education services for students in in-state psychiatric residential treatment facilities. HB 206 revised the funding mechanism and requires school districts to fund a portion of these fees.

- **Career and Technical Education**

Appropriates \$2.053 million from the state general fund in each year of the 2023 biennium for secondary vocational education programs. In prior years, CTE and CTSO were listed as one line item. In the 2021 Legislative Session, \$1,500,000 was appropriated as a Career and Technical Education State Match and \$553,000 was appropriated as Career and Technical Student Organizations (CTSO) for each year of the biennium as two separate line items.

- **Adult Basic Education**

Appropriates \$525,000 from the state general fund in each year of the 2023 biennium for adult basic education programs. The appropriations are equivalent to the 2021 biennium appropriation.

- **Gifted and Talented Grant Program**  
 Appropriates \$350,000 from the state general fund in each year of the 2021 biennium for school district gifted and talented programs. The appropriations are equivalent to the 2021 biennium appropriation.
- **School Foods**  
 Appropriates \$663,862 from the state general fund in each year of the 2023 biennium for school nutrition programs. The appropriations are equivalent to the 2021 biennium appropriation.
- **State Block Grants**  
 Appropriates the Coal-fired Generating Unit Closure Mitigation Block Grant which is appropriated in the amount \$1.693 million from the state general fund for each year of the biennium. Additionally, HB 2 appropriates \$75,000 from the state general fund for the State Lands Block Grant under section 20-9-640, MCA, for each year of the biennium.
- **State Tuition Payments**  
 Appropriates \$265,631 in FY 2022 and \$259,926 in FY 2023 from the state general fund biennium for tuition payments to schools that enroll students placed by state agencies or courts under mandatory attendance agreements. The appropriations are less than the 2021 biennium as a result of passage of HB 206, which directs local districts to share payments, thus reducing the agency’s appropriation.
- **Advancing Agricultural Education in Montana**  
 Appropriates \$151,960 in FY 2022 and \$151,960 in FY 2023 from the state general fund to school districts to support secondary agricultural education programs and to implement 20-7-334, MCA.
- **Cultural Integrity Commitment Act – HB 41(2019)**  
 Appropriates \$96,970 each year of the biennium from the state general fund to support Indian Language Immersion Programs.
- **Major Maintenance Aid**  
 Appropriates general fund in the amounts of \$7.727 million in FY 2022 and \$7.461 million in FY 2023 for Major Maintenance Aid. HB 2 also appropriates state special revenue in the amounts of \$2.273 million in FY 2022 and \$2.539 million in FY 2023 representing projected interest revenue receipts from the coal severance tax trust fund. During the 2017 legislative session, SB 307 created a program for providing regular state funding match for major maintenance in school districts. The statute also allows excess appropriation authority to be redirected to the debt service assistance program.

- **Recruitment and Retention**

Appropriates \$500,000 in each year of the biennium for recruitment and retention of Montana teachers (Quality Educator Loan Assistance Program). These amounts were not separate appropriations in the 2021 biennium.

- **State Transformational Learning Aid**

Appropriates \$2.124M in FY2022 and \$2.156M in FY2023 from the state general fund to school districts to support the transformational learning program found in section 20-7-1602, MCA.

- **State Advance Opportunities Aid**

Appropriates \$1.674M in FY 2022 and \$2.548M in FY2023 from the state general fund to school districts to support the advance opportunities program found in section 20-7-1506, MCA.

- **School Safety Grants**

Appropriates \$100,000 in the General Fund for each year of the biennium. These amounts are equivalent to the 2021 biennium appropriation.

- **Debt Service Assistance**

Appropriates \$2.500M of State Special Revenue each year of the biennium to provide for distribution of funds from the facilities and technology state special revenue fund for school facilities reimbursements found in section 20-9-371, MCA. In addition, excess revenue from the Major Maintenance Aid line item will also be used for the same purpose.

- **Traffic and Safety Education**

Appropriates \$750,000 of state special revenue in each year of the 2023 biennium for driver's education programs provided by school districts. The appropriations maintain the state funding for traffic education programs at the FY 2021 base appropriation level. Traffic and Safety Education revenues are generated from a percentage of the drivers' license fee and commercial drivers' license fee. Should these revenues exceed the appropriation, OPI can distribute the additional revenues so long as the total expended does not exceed \$1.800 million.

- **Federal Grant Awards**

Appropriates \$155.735 million in each year of the biennium for distribution of federal education grant monies to school districts. The appropriations are equivalent to the 2021 biennium appropriation. ESSER funds were not appropriated in HB2, rather in HB 630 and HB 632.

- **Guarantee Account Funding**

Monies from the guarantee account are statutorily appropriated. The amount available for distribution is estimated to be \$42.406 million in FY 2022 and \$42.845 million in FY 2023 for K-12 BASE aid payments. Revenues for the state guarantee account are generated from state school trust lands. The guarantee account is the first source of funding for the K-12 BASE aid. Funds from the guarantee account offset expenditures that would otherwise be paid from the state general fund.

- **Incentivize Increase in Starting Teacher Pay**  
Appropriates \$2.492 only in FY2023 for incentivizing increases in base pay for teachers as defined in HB 143(2021). Distribution of funds are to be made as a portion of the Quality Educator Payment Component beginning in FY2023. This appropriation is to be considered part of K-12 BASE Aid.
- **National Board Certification**  
Appropriates \$75,000 for FY 2022 and \$100,000 for FY 2023 of the biennium. These amounts are much lower than the respective \$107,000 and \$174,500 amounts in the 2021 biennium.
- **Recruitment and Retention**  
Appropriates \$500,000 in each year of the biennium for recruitment and retention of Montana teachers. These amounts were not separate appropriations in the 2021 biennium.
- **Comprehensive School and Community Treatment (CSCT)**  
Appropriates \$11.178 million for FY 2022 and \$10.958 million which was previously under the DPHHS budget. These appropriations are to administer Medicaid reimbursement programs to schools within the state.

**OFFICE OF PUBLIC INSTRUCTION (OPI) OPERATIONS AND TECHNICAL ASSISTANCE TO SCHOOLS, HB 2:**

- **OPI Agency Budget**  
HB 2 appropriates \$8.740 million in FY 2022 and \$8.883 million in FY 2023 from the state general fund for the agency’s general fund operating budget.

HB 2 appropriates \$290,729 in FY 2022 and \$291,011 in FY 2023 of state special revenue for traffic education administration and cooperative purchasing. These amounts are broken out to traffic education administration to \$219,535 in FY 2022 and \$221,571 for FY 2023, and to cooperative purchasing of \$71,194 for each year of the biennium.

HB 2 appropriates \$17.845 million in FY 2022 and 17.861 million in FY 2023 of authority to spend federal grant funds for the administration of federal grants.

- **Montana Digital Academy**  
Appropriates \$2.001 million from the state general fund in each year of the biennium. The appropriations are equivalent to the 2021 biennium appropriation. Additionally, the requested MTDA Inflationary Increase for Technology was appropriated \$29,895 in FY 2022 and \$30,120 in FY 2023. MTDA Additional Titles and Indian Language Titles were appropriated \$130,000 and \$80,000, respectively, as Restricted/One-Time-Only items in either FY 2022 or FY 2023. These appropriations were in response to a request for development of new courses available to public schools and native languages, respectively.

- **Audiological Services**  
Appropriates \$533,460 in FY 2022 and 544,129 in FY 2023 from the state general fund in each year of the biennium.
- **MT Indian Language Preservation**  
The Legislature appropriated \$750,000 for each year of the 2023 biennium for Indian language preservation. This was not a separate appropriation during the 2021 session. The Legislature transferred this program from the Department of Commerce to the Office of Public Instruction and appropriated the same amount in the last Legislative Session to Commerce.
- **Comprehensive School and Community Treatment (CSCT)**  
The Legislature appropriated funds for two positions within OPI to address Medicaid Services to Schools. The first position, a Director role, was appropriated \$67,500 from both the General Fund and Federal Special Revenue Fund for each year of the biennium, totaling \$135,000. The second position, Technical Support, was allocated \$55,000 from both the General Fund and the Federal Special Revenue Fund for each year of the biennium, totaling \$110,000. The positions are associated with the administration of the CSCT appropriation in Program 9

**HB 3                    David Bedey**  
**Supplemental Appropriations Bill**  
**Chapter: 4                    Effective Date: February 28, 2021**

HB 3 provides supplemental general fund appropriations to meet the state’s legal obligations for the fiscal year ending June 30, 2019. HB 3 included an appropriation of \$4,500,000 of general fund for BASE Aid. The added funding was needed primarily because of lower than expected revenue from the Guarantee Account which represents the State Lands revenue dedicated to K12 public education. BASE Ais funded first by the Guarantee Account and then by state general fund, so a shortfall in the Guarantee Account requires additional state general fund.

In addition, HB 3 appropriated \$17,000,000 of federal special revenue to the Governor’s Office for the Governor’s Education Relief Fund resulting from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA). \$12,800,000 of that amount was transferred to the OPI to fund the Emergency Assistance to Non-Public Schools (EANS) program.

**HB 4                    Dan Bartel**  
**Appropriations by Budget Amendment**  
**Chapter: 460                    Effective Date: May 12, 2021**

HB 4 extends spending authority into the 2023 biennium for federal grants received in the interim and approved as budget amendments by the Office of Budget and Program Planning. For the OPI this includes the innovative partnership to prepare rural school-based mental



health services providers program, troops-to-teachers program, project aware grant, the school violence prevention grant, and the elementary and secondary school emergency relief fund.

**HB 15            Fred Anderson**  
**Increase K-12 BASE aid, entitlements, and payments**  
**Chapter: 23            Effective Date: July 1, 2021**

HB 15 amends MCA section 20-9-306 and provides inflationary increases of 1.5 percent for FY 2022 and 2.57 percent for FY 2023 to the funding components of school district general fund budgets. The increases are applied to the basic and per-ANB entitlements, the quality educator payment, the Indian education for all payment, the at-risk student payment, the American Indian achievement gap payment, and the data for achievement payment. (Note: The inflationary increase for the at-risk student payment is not included in HB 15; rather it is a line item appropriation in HB 2.) The fiscal note for HB 15 shows a biennial cost of \$66.8 million.

**HB 630            David Bedey**  
**Appropriate CARES II funds, supplemental, and temporarily revised funding**  
**Chapter: 551            Effective Date: May 14, 2021**

HB 630 provides appropriation for federal funds for COVID-19 relief, establishes a temporary maintenance of equity payment for school districts, temporarily suspends anticipated enrollment increases due to covid-19, temporarily modifies financial support for unanticipated enrollment increases due to COVID-19 and amends sections 20-6-326, 20-9-166, and 20-9-314, MCA.

HB 630 directs the superintendent of public instruction to create a “maintenance of equity payment” should it be determined that the state will not be in compliance with the maintenance of equity requirements of section 2004(b)(1) or (b)(2) of the American rescue plan act of 2021. In such case the superintendent shall provide a maintenance of equity payment from the BASE aid appropriation in house bill no. 2 to school districts only as necessary and in the minimum amount required to ensure compliance. A school district receiving a “maintenance of equity payment” shall deposit the money in the district's Miscellaneous Programs Fund (15) and may use the money for general operations and instruction as determined by the board of trustees.

Section 20-6-326, MCA is modified for district’s seeking K-12 expansion under this provision. Rather than utilizing the current anticipated enrollment mechanism when increasing the number of grades served in the newly created K-12 district, a formula is to be used which includes averaging the budget limitation ANB of the most recent three years and multiplying the product by the number of new grades to be served.

Section 20-9-166, MCA is modified to temporarily suspend funding increases related to requests for “anticipated enrolment increases” for FY 2022 and FY 2023. This section is further modified for the following:

Any increases in enrollment for a district during the October enrollment count for FY 2022 and FY 2023 compared to the enrollment count of the district in October of the immediately preceding fiscal year is declared by the legislature to be related to the uncertainty created by COVID-19 and qualifies the district for additional financial support. Additionally, the legislature declares that the state's fiscal challenges in the biennium beginning July 1, 2021, are a direct result of the economic downturn resulting from COVID-19.

The amount of additional financial support the district qualifies for must be calculated by the OPI as the difference between the district's BASE budget for that fiscal year and the amount of the district's BASE budget if the district's budget limit ANB for that fiscal year was calculated using the district's actual October enrollment count in the current school year in place of the average of the preceding year's October and February enrollment count. The total amount of the additional financial support for a district must be reduced by 10% of the Title I (Basic) allocation and any portion of an amount allocated on a per-quality-educator (Supplemental) basis received by the district as of the enrollment count date through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021 and American Rescue Plan Act (ARPA) of 2021, or what is sometimes termed ESSER II & ESSER III.

The superintendent of public instruction shall allocate the additional financial support to a qualifying district, first from federal money appropriated by the legislature for this purpose (Specifically referred to as “Targeted Support to School Districts” in HB 630) and, if necessary, from the BASE aid appropriation in House Bill No. 2. Districts receiving additional financial support shall deposit the money in the district's Miscellaneous Programs Fund (15) and use it to address costs associated with the enrollment increases.

Section 20-9-314, MCA is amended to suspend payment for “anticipated” unusual enrollment increases.

HB 630 appropriates federal funds for COVID-19 emergency relief to the OPI, frequently referred to as ESSER II as follows:

Basic Allocation to School Districts	\$153,089,519
Supplemental Allocation to School Districts	\$3,400,000
Allocation to Other Educational Institutions	\$120,000
Special Needs Allocation	\$2,500,000
Targeted Support to School Districts	\$1,200,000
Education Leadership in Montana	\$939,449
OPI Database Modernization	\$8,000,000
Administration	\$850,497

The mechanisms for distribution of funds for each component are described as follows in HB 630:

-Basic Allocation to School Districts, the amount allocated to school districts is to be based on federal law. The office of public instruction shall distribute funds through a grant for expenses method that is consistent with Section 313(d) of ESSER II. This directs the OPI to make distributions proportionate to that of the Title I distributions.

-Supplemental Allocation to School Districts, the office of public instruction shall allocate the funds as follows:

- (i) A school district with less than 6 quality educators receives \$10,000.
- (ii) A school district with 6 or more quality educators that receives less than an amount equal to \$10,000 times the number of the district's quality educators in the basic allocation receives an amount for every quality educator plus an additional \$50 for every quality educator that the district is below the statewide average of quality educators for each district.
- (iii) The amount for every quality educator must be calculated to use the \$3.4 million appropriation.

-Allocation to Other Educational Institutions, an allocation to the School for the Deaf and Blind, Pine Hills, and the Youth Academy are to be made on a per-quality-educator basis.

-Special Needs Allocation, allocations to school districts and special education cooperatives are to be made consistent with the allowable cost payment for special education funding.

-Targeted Support to School Districts:

- (i) Grants may be made at the discretion of the office of public instruction to school districts with significant challenges related to learning loss or fluctuations in enrollment.
- (ii) Grants may only be awarded after a district has expended all other federal funds allocated to it for responding to the covid-19 pandemic; and
- (iii) A district may use these funds to provide support to a special education cooperative, of which it is a member, for expenses that are consistent with Section 313(d) of ESSER II.

-Education Leadership in Montana, the OPI shall create a system to build the capacity of principals, teachers, and other leaders to ensure recovery of each school from the effects of the COVID-19 pandemic in a model that addresses the learning opportunities missed and needed by each person to reach their full educational potential.

-OPI Database Modernization, funds must be used by The Office of Public Instruction to repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. Actions taken must be consistent with the provisions of 20-7-104, MCA.

-Administration, funds must be used by the OPI for the administration of ESSER II activities.

HB 630 terminates June 30, 2023

**HB 632            Frank Garner**  
**Implement receipt of, and appropriate federal stimulus and COVID recovery funds**  
**Chapter: 401            Effective Date: May 10, 2021**

The Office of Public Instruction portion of HB 632 provides appropriation of federal funds for COVID-19 relief pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, to the OPI, frequently referred to as ESSER III as follows:

Basic Allocation to School Districts	\$343,817,312
Supplemental Allocation to School Districts	\$3,400,000
Allocation to Other Educational Institutions	\$120,000
Education Leadership in Montana	\$555,234
OPI Database Modernization	\$5,475,248
Administration	\$1,910,096
State Learning Loss	\$19,100,962
State Summer Enrichment	\$3,820,192
State Afterschool Programs	\$3,820,192

The mechanisms for distribution of funds for each component are described as follows in HB 630:

-Basic Allocation to School Districts, the amount allocated to school districts is to be based on federal law. The office of public instruction shall distribute funds through a grant for expenses method that is consistent with Section 313(d) of ESSER II. This directs the OPI to make distributions proportionate to that of the Title I distributions.

-Supplemental Allocation to School Districts, the office of public instruction shall allocate the funds as follows:

- (i) A school district with less than 6 quality educators receives \$10,000.
- (ii) A school district with 6 or more quality educators that receives less than an amount equal to \$10,000 times the number of the district's quality educators in the basic allocation receives an amount for every quality educator plus an additional \$50 for every quality educator that the district is below the statewide average of quality educators for each district.
- (iii) The amount for every quality educator must be calculated to use the \$3.4 million appropriation.

-Allocation to Other Educational Institutions, an allocation to the School for the Deaf and Blind, Pine Hills, and the Youth Academy are to be made on a per-quality-educator basis.

-Education Leadership in Montana, the OPI shall create a system to build the capacity of principals, teachers, and other leaders to ensure recovery of each school from the effects of the COVID-19 pandemic in a model that addresses the learning opportunities missed and needed by each person to reach their full educational potential.

-OPI Database Modernization, funds must be used by The Office of Public Instruction to repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. Actions taken must be consistent with the provisions of 20-7-104, MCA.

-Administration, funds must be used by the OPI for the administration of ESSER II activities.

-State Learning Loss, State Summer Enrichment, and State Afterschool Programs, funds may be used at the discretion of the office of public instruction for purposes allowed by federal law and may include grants to school districts. A school district may use these funds to provide allowable support to a special education cooperative of which it is a member.

**HB 671          David Bedey**  
**Implement provisions of HB2 – Section E - education**  
**Chapter: 562          Effective Date: May 14, 2021**

HB 671 allows for the implementation of HB 2 and provides for interim studies on educational fiscal matters. This bill also requires OPI and DPHHS to collaboratively support school districts in seeking reimbursement for school-based eligible services under Medicaid and the Children’s Health Insurance Program (CHIP). It establishes a state special revenue fund to be used by both agencies to receive necessary matching funds from school districts seeking reimbursements for Medicaid or HIP necessary to fulfill financial requirements of the Centers for Medicare and Medicaid Services for reimbursement.

Additionally, Subsection 2 of HB 671 changes the responsibility of the Montana Indian Language Preservation Program from the State Tribal Economic Development Commission at the Department of Commerce to OPI; Section 3 repeals many versions of termination dates related to the Indian Language Preservation Program.

OPI requires 2 FTE for administration of this program at a cost of approximately \$122,500 per year. A general fund appropriation of \$750,000 was removed from the Department of Commerce’s budget and put into OPI’s budget as restricted, biennial, one-time-only funding. OPI has determined a need for \$13,000 for personal services and \$22,000 for operating expenses; the remaining \$715,000 will be distributed as grants to Montana Indian tribes each year.

**ELECTIONS**

**SB 15          Janet Ellis**  
**Generally revise election laws related to accessibility for disabled electors**  
**Chapter: 61          Effective Date: January 1, 2022**

SB 15 generally revises laws regarding accessibility for disabled electors and the availability of voter interface devices for all Montana elections.

- Adds a definition of disability to general election law definitions, to include a temporary or permanent mental or physical disability such as impaired vision, hearing, mobility or mental or physical functioning that limits participation in the voting process.
- Adds references to the Americans with Disabilities Act of 1990, the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act of 1984 and the Help American Vote Act of 2002.
- Establishes a process to make voter interface devices available to political subdivisions and school districts for the use in elections. The county may charge the for the programming of a device or damage from use, but not for purchase or routine maintenance. School districts may request an estimate of cost for use of a voter interface device when requesting the county conduct their elections under 20-20-417, MCA or within 30 days of receiving such request.
- All voting locations, including ones used for school elections, must meet the accessibility guidelines established in 13-3-205, MCA. The school district must conduct a survey to assess the path of travel that an elector would take to reach the polling location. The survey does not have to be conducted if the polling location is used for general or primary elections or if a survey has already been completed, unless the conditions of accessibility change, or the survey results are deemed inaccurate.
- At least one voter interface device must be available at each polling location and at each place of deposit in mail ballot locations accessible to disabled electors.
- A voter interface device is not required if fewer than 200 registered electors are eligible to vote in the election or for an irrigation district election.
- SB 15 clarifies the process for taking a ballot to an elector outside the building where the polling place is located.
- Adds the requirement to include information on the availability of a voter interface device for mail ballot elections when submitting a written plan.

**SB 93            Gordon Vance**  
**Revise provisions related to poll watchers**  
**Chapter: 315            Effective October 1, 2021**

HB 93 clarifies that poll watchers are allowed at places of deposit in mail ballot elections.

**SB 224            Steve Fitzpatrick**  
**Generally revise campaign finance laws**  
**Chapter 571            Effective May 14, 2021**

SB 224 makes a number of changes to campaign finance laws and reporting requirements:

- Clarifies that the use of a person’s real property for a fundraising or other political even is not a contribution or an expenditure for campaign finance reporting purposes.

- Candidates are not required to have separate accounts for primary and general election contributions so long as accurate contribution records are kept and fund balance does not drop below general election contributions prior to the primary election date.
- Maximum allowable contributions for all elections are increased.
- Contribution amount triggers for required reporting are increased.
- Clarification regarding a number of specific expenditures that are/are not included in campaign finance reporting requirements.
- Clarifies that an incidental committee is only formed when an individual or group that would otherwise qualify as an incidental committee receives or expends at least \$250.

**HB 176          Sharon Greef**  
**Close late voter registration on Friday before the election**  
**Chapter 244          Effective Date: April 19, 2021**

HB 176 closes late voter registration at noon the day before the election, with the exception of military and overseas electors who may continue to register and vote up to the time that polls close on election day.

**HB 429          Llew Jones**  
**Revise governor’s power to suspend election laws during emergency**  
**Chapter 357          Effective Date: May 10, 2021**

HB 429 limits the Governor’s ability to unilaterally revise election laws and establishes a method to poll legislators regarding the suspension of statutes pertaining to the procedures for an election or the ingress and egress to a polling location. The governor must submit a request, in writing, to the Secretary of State that includes the conditions warranting the poll and the legislative declaration to temporarily suspend election laws.

The Secretary of State, within three days of receipt, shall send a ballot to all legislators a ballot that includes the legislative declaration subject to vote and the date by which legislators must return the ballot – which cannot be more than 10 calendars days after the ballots were sent. The ballots may be sent in any reasonable and reliable manner, including electronically, and may be returned in person, by mail, fax, or electronic mail. Votes will be tallied within one working day and must be approved by a majority of both houses. A ballot not received is considered a vote against the declaration. The governor may submit another legislative poll or call a special session of the legislature if the declaration is not approved.

**HB 530          Wendy McKamey**  
**Require Secretary of State to adopt rules governing election security**  
**Chapter 534          Effective May 14, 2021**

HB 530 directs county election administrators and the Secretary of State’s Office to annually assess election security and prepare an annual report to be presented to the state administration and veterans’ affairs interim committee. The Secretary of State’s Office is further directed to adopt an administrative rule restricting the collection of ballots.

## **EMPLOYMENT RELATIONS**

**HB 13            Julie Dooling**

**State employee pay plan**

**Chapter: 171            Effective Date: July 1, 2021**

HB 13 provides for no across-the-board pay increase in FY 2022 and a 55 cent per hour pay increase for state and university system employees effective the pay period including November 15, 2022 (FY 2023). The bill also increases the longevity increment for employees with 25 years of service by 0.5%. Finally, this bill provides for personal services contingency funds allocated to the Office of Budget and Program Planning to be distributed to agencies when the agencies cannot meet their vacancy savings amount or have leave payouts that cannot be covered by existing budgets within state agencies. Because the pay increase for FY 2023 is for a partial year, the annualized fiscal impact to the State is \$20.5 million (all funds) in FY 2024 and FY 2025.

**HB 81            Jim Hamilton**

**Generally revise laws on administration of MPERA retirement systems**

**Chapter: 172            Effective Date: July 1, 2021**

HB 81 generally revises laws related to the administration of the public employee retirement systems administered by the Public Employees’ Retirement Board. The bill also revises provisions related to alternate payee rights under family law orders, required benefit distributions under federal law, and military service purchase eligibility. HB 81 also clarifies the amount of the guaranteed annual benefit adjustment payable under the public employees’ retirement system defined benefit plan, and clarifies provisions governing long-term disability payments under the public employees’ retirement system defined contribution plan.

**HB 88            Marta Bertoglio**

**Generally revise laws on administration of TRS**

**Chapter: 173            Effective Date: July 1, 2021**

HB 88 revises some administrative provisions of the Teachers’ Retirement System (TRS) by clarifying employer reporting requirements, revising mandatory distribution provisions to conform with federal law and correcting the referenced time period for reporting compensation earned by a disabled member. The employer reporting requirements were changed to require a monthly report showing the name, social security number, time worked, and gross earnings of each employed member while removing the need to report each new person eligible for



membership and the certification to the board the amount of excluded earned compensation amounts for retiring members.

**HB 143            Llew Jones**

**Provide incentives for increasing starting teacher pay**

**Chapter: 60            Effective Date: February 23, 2021**

HB 143 provides additional quality educator component payments for districts that meet legislative goals for competitive base pay of teachers. These goals are separated for class of school as defined in Title 20, chapter 6. To qualify, district's that are not defined as class 1 would be required to offer a base teacher pay that is equal to at least 10 times as much as the quality educator payment amount provided in 20-9-306(16). Districts defined as class 1, to qualify, would be required to offer a teacher base pay that is not less than 70% of the teacher average pay in the school district.

Section 20-9-306(16), MCA is amended to modify the total quality educator payment for a school district meeting the legislative goal for competitive base pay of teachers to include the number of full-time equivalent teachers that were in the first three years of the teacher's teaching career in the previous year.

**HB 403            Tyson Running Wolf**

**Create "grow your own" teacher grant program**

**Chapter: 514            Effective Date: July 1, 2021**

HB 403 provides for laws addressing teacher recruitment and retention problems in rural Montana and Indian Country. This bill establishes a multi-faceted "grow your own" grant program administered by the commissioner of higher education to strengthen teacher pipelines. Eligible school districts may be awarded a grant for up to two years to develop a "grow your own" grant program. This act terminates on June 30, 2027.

## **FACILITIES**

**HB 5                Llew Jones**

**Long-range building appropriations**

**Chapter: 461            Effective Date: May 14, 2021**

HB 5 appropriates fund for long range building projects for the state. HB 5 includes an appropriation of \$300,000 for the OPI Mt Leaning Center Civil Infrastructure Upgrades. The Montana Learning Center is a non-profit organization that leases property from the OPI where the Learning Center provides summer camps with an education focus for children.

**HB 181            Katie Zolnikov**

**Reauthorizing the E-rate broadband program**

**Chapter: 475            Effective Date: July 1, 2021**

HB 181 amends section 20-9-534, MCA, redirecting a portion of the statutory appropriation for school technology purposes during the 2023 biennium to provide funding to the e-rate broadband matching program.

Specifically, for FY 2022, twenty-five percent of the \$1 million statutory appropriation provided in 17-7-502, MCA is to be for providing funds for schools to use as state matching funds for special construction under the federal e-rate broadband program pursuant to 47 CFR 54.505. The remaining seventy-five percent is to be distributed to a district's technology acquisition and depreciation fund under the previously determine methodology described in 20-9-534, MCA. The same proportions are to be applied for FY 2023 however, any remaining funds not expended from the 25% portion in FY 2022 are to be distributed with the previously determine methodology described in 20-9-534, MCA in FY 2023. HB 181 terminates June 30, 2023.

**HB 192 Linda Reksten**

**Revising laws related to school major maintenance funding**

**Chapter: 245 Effective Date: July 1, 2021 applicable to all functions of a budget for FY 2023**

HB 192 amends sections 20-9-116, 20-9-236, 20-9-502, and 20-9-525, MCA.

Section 20-9-116, MCA, the requirement to notice a resolution of intent to increase non-voted levies is modified to specify that a resolution for the permissively levied sub-fund of the building reserve fund is to include the following under 20-9-502(3)(a)(i), MCA:

- (A) Identify the anticipated improvements or projects for which the proceeds of the levy will be used; and
- (B) Estimate a total dollar amount of money to be raised by the levy, and the resulting estimated number of mills to be levied using the district's taxable valuation most recently certified by the department of revenue under 15-10-202.

Section 20-9-236, MCA, permits fund transfers for improvements to school safety and security. This section is amended specifying that transfers are only permitted when a school district has certified to the office of public instruction a current school safety plan or emergency operations plan pursuant to 20-1-401.

Section 20-9-502, MCA, is modified to increase the "school major maintenance amount" from \$100 to \$110 per budget limitation ANB, beginning budget year FY 2023.

Section 20-9-525, MCA, is amended striking the ordering requirements associated with the K-12 public schools facility condition and needs assessment final report prepared by the Montana department of administration pursuant to section 1, Chapter 1, Special Laws of December 2005.

Additional changes to this section of law include striking of language requiring districts to update the facility condition inventory certifications to the Office of Public Instruction.

Finally, HB 192 modifies the amount of state support per dollar of local effort of the applicable elementary and high school program by adjusting the school major maintenance amount multiplier from 171% to 187%, beginning budget year FY 2023.

## **GOVERNANCE**

**HB 246**            **Marta Bertoglio**  
**Revise education laws to enhance local control and opportunities for students**  
**Chapter: 247**            **Effective Date: April 19, 2021**

This bill is a comprehensive education bill aimed at solidifying local school board authority from ARM to statute. It expands competency-based outcomes for pupil learning and changes the term transformational to forms of personalized learning. The length of time required to complete a course is revised. Educator licensing has changed in Class 3,4,8, along with out-of-state licensing flexibilities. Off-site instruction is modified to provide greater flexibilities to parents and students to pursue education in a nearby district when their district of residence does not offer comparable services.

**HB 462**            **Mallerie Stromswold**  
**Revise driver license laws for foster children**  
**Chapter: 570**            **Effective Date: May 14, 2021**

HB 462 revises laws related to learner licenses, requiring certain duties to be performed by a responsible adult when a parent or guardian is not available.

**HB 499**            **Jeremy Trebas**  
**Revise child abuse and neglect laws regarding reasonable efforts**  
**Chapter: 222**            **Effective Date: October 1, 2021**

HB 499 revises child abuse and neglect laws regarding reasonable efforts required to prevent removal of a child from the home or to reunify families following child abuse and neglect proceedings. The bill defines reasonable efforts to include “services provided to foster care providers with equal financial support” to families working with DPHHS through a voluntary service agreement and treatment plan.

**HB 543**            **Bob Phalen**  
**Revise laws related to school instruction on the Constitution and Pledge**  
**Chapter: 239**            **Effective Date: July 1, 2021**

HB 543 amends 20-7-111, MCA, that sets out the authority for the Board of Public Education to establish the basic instructional program in Montana and to express this in standards of accreditation. The change is to require all students in grades 3 – 12 to receive instruction about the U.S. Constitution and the Pledge of Allegiance.

In addition, 20-7-133, MCA, is amended to require the Pledge of Allegiance be said in grades K – 12 instead of K – 6 under current law. The bill also adds an allowance for a moment of silence after reciting the Pledge.

**HB 556            Kenneth Walsh**  
**Provide alternative means of earning high school diploma**  
**Chapter: 223            Effective Date: April 16, 2021**

HB 556 provides students alternative means of earning a high school diploma. The bill requires the Superintendent of Public Instruction to create a process for students to demonstrate proficiency of high school content standards through alternative means. Individuals enrolled in a home school or non-public school are not eligible for a Montana proficiency-based diploma under HB 556.

**SB 4                Jason Small**  
**Extend the Missing Indigenous Persons Task Force**  
**Chapter: 268            Effective Date: April 22, 2021**

SB 4 extends the Missing and Murdered Indigenous Persons Task Force by two years, to June 30, 2023, and requires the task force to work toward identifying causes contributing to missing and murdered indigenous persons.

The task force was created in 2019 with the passage of the Looping in Native Communities Act. Its members, comprised of tribal, state, and federal leaders, meet monthly.

SB 4 is expected to have a fiscal impact of \$10,000 each year of the biennium.

**SB 18              Dan Salomon**  
**Establish graduation requirements for educationally disrupted youth**  
**Chapter: 80             Effective Date: March 26, 2021**

SB 18 allows educationally disrupted high school students who meet the state minimum graduation credit requirement to receive a diploma from a district that has a higher credit requirement. “Education disruption” means a disruption experienced during grades 9 – 12 caused by homelessness, involvement in the child welfare or juvenile justice systems, a medical or mental health crisis, or another event considered a qualifying education disruption by the trustees of the district.

**SB 199            Greg Hertz**  
**Provide for the Montana Local Food Choice**  
**Chapter: 320            Effective Date: April 30, 2021**

SB 199 allows for the sale and consumption of homemade food and food products and to encourage the expansion of agricultural sales by ranches, farms, and home-based producers and the accessibility of homemade food and food products to informed consumers by facilitating the purchase and consumption of fresh and local agricultural products, enhancing the agricultural economy, and providing Montanans with unimpeded access to healthy food from known sources.

The bill exempts certain homemade food producers from food licensure, permitting, certification, packaging, labeling, and inspection regulations as well as certain other standards and requirements.

**SB 206            Mark Sweeney**  
**Revise report publication date for teacher loan forgiveness program**  
**Chapter: 321            Effective Date: October 1, 2021**

SB 206 changes the statutory date for the critical educator shortage reporting date 90 days, from December 1st to February 1st.

Each fall, Montana schools report those positions for which they cannot find a candidate or have very few applicants. OPI collects this data and prepares the report for adoption by the Board of Public Education. Once the report is adopted by the Board, schools can offer participation in the loan assistance program as a recruitment and retention incentive to attract and retain candidates for these positions. The State of Montana will make up to \$12,000 in payments for outstanding loans over three years per individual.

SB 206 means schools will continue to have adequate time to submit data to the OPI, and that OPI will have sufficient time to accurately prepare the report for the Board. The Board will adopt the report six months before it is used, giving schools plenty of time to plan.

**SB 297            Jason Ellsworth**  
**ConnectMT Act to establish broadband deployment**  
**Chapter: 449            Effective Date: May 10, 2021**

The ConnectMT Act provides for broadband infrastructure deployment laws, establishes the Montana broadband infrastructure accounts and the Montana Broadband Deployment Program to get funding into unserved or underserved areas for better broadband connectivity.

SB 297 will use appropriations from the general fund or federal broadband stimulus funds. Grant funding applicants must be non-government entities experienced in providing broadband service, and may not receive any other federal/state grant or loan programs for the broadband project covered by the application. At a minimum, applicants must pay for 20% of project costs.

Most sections of the bill terminate when all funds from the American Rescue Plan Act of 2021 (ARPA) allocated to the Department of Commerce for communications have been expended.

## **HIGHER EDUCATION**

**HB 67            Llew Jones**

**Generally revise community college funding laws**

**Chapter: 348            Effective Date: July 1, 2021 with contingencies for variable effective dates**

HB 67 revises community college funding laws by establishing a base plus formula reflecting the state share of funding that is adjusted for actual full-time equivalent students in weighted categories to be used beginning with the 2025 biennium. The use of weighting will allow the state to prioritize the most needed occupations in the state.

**HB 100            Denise Hayman**

**Revise community college audit requirements**

**Chapter: 110            Effective Date: July 1, 2021**

HB 100 requires a community college to contract with a private accounting firm for audits, subject to approval by the legislative auditor, and requires cost estimates to be provided to the budget director. Community colleges are responsible for payment of costs that are not appropriated by the Legislature.

**HB 129            David Bedey**

**Revise the Family Education Savings Act (MT 529 Plan)**

**Chapter: 349            Effective Date: April 30, 2021**

HB 129 aligns state law with federal changes to 529 qualified tuition plans to allow withdrawals for expenses in connection with a beneficiary's enrollment or attendance at an elementary or secondary public, private, or religious school (kindergarten through grade 12) and expenses for fees, books, supplies, and equipment required for the participation in an apprenticeship program and qualified education loan repayments in limited amounts.

In Montana, expenses may be deducted up to \$3,000 per taxpayer per year, or up to \$6,000 for those married, filing jointly.

HB 129 also reduces the qualifying holding period for such withdrawals from three years to one year.

It is anticipated HB 129 would decrease income tax revenue by \$173,469 in FY 2022; \$376,774 in FY 2023; \$613,765 in FY 2024, and \$888,731 in FY 2025.

**HB 179            David Bedey**  
**Generally revise laws related to community colleges**  
**Chapter: 351            Effective Date: July 1, 2021**

HB 179 establishes and revises laws concerning the formation of new community colleges. The bill establishes the requirement for a new community college to apply to the Board of Regents by August 1 of the year before the legislature meets. Enrollment projections are used for calculating an appropriation for the new community college with provisions for corrections to actual enrollment at the end of each year. The bill also consolidates various property tax statutes into one operating levy for community college districts formed after January 1, 2021.

**SB 25            Daniel Salomon**  
**Revise duties of Education Interim Committee regarding MUS**  
**Chapter: 10            Effective Date: October 1, 2021**

SB 25 revises the duties of the Education Interim Committee by removing specific statutory duties and providing for general oversight authority over the State Board of Education, the Board of Public Education, the Board of Regents, and OPI.

**SB 110            Ryan Osmundson**  
**Revise state employee and U-system health plan laws for temp state share holiday**  
**Chapter: 51            Effective Date: July 1, 2021**

SB 110 directs the Governor and the Commissioner of Higher Education to suspend the employer contribution to the State Employee Group Benefit Plan or the Montana University Group Benefit Plan for up to two months in FY 2022. Savings are generated due to employer contributions not being made for this two-month period. This Act terminates June 30, 2022.

**SB 243            Bryce Bennett**  
**Create presumption of domicile for students who join Montana National Guard**  
**Chapter: 426            Effective Date: July 1, 2021**

Provides that a member of the Montana national guard is presumed to be domiciled in the state for purposes of qualifying for in-state tuition for a postsecondary certificate or undergraduate, postgraduate, or professional degree program.

**SB 247            Ellie Boldman**  
**Generally revise alcohol state property/postsecondary education**  
**Chapter: 395            Effective Date: April 29, 2021**

SB 247 allows a university to contract with a licensed entity to serve beer and wine at a sporting event, and allows a licensee to contract with the university for revenue sharing.

Beer or wine would be allowed in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises.

## **HEALTH AND SAFETY**

**HB 70            Kenneth Holmlund**  
**Revise the state suicide prevention program**  
**Chapter: 87            Effective Date: March 26, 2021**

HB 70 revises the DPHHS suicide prevention program by modernizing the program to reflect national research and current best practices. In addition the requirements for the state suicide prevention plan are changed to require DPHHS to submit the plan to the children, families, health, and human services interim committee.

**HB 105            Ron Marshall**  
**Generally revise unlawful transactions with children laws**  
**Chapter: 66            Effective Date: March 23, 2021**

HB 105 revises the criminal offense of unlawful transactions with children, prohibiting giving or selling to children tobacco products, alternative nicotine products, or vapor products.

A person convicted of this offense shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed six months, or both. A person convicted of a second offense shall receive a fine not to exceed \$1,000 or be imprisoned for any term not to exceed six months, or both.

**HB 112            John Fuller**  
**Require interscholastic athletes to participate under gender assigned at birth**  
**Chapter: 405            Effective Date: July 1, 2021**

HB 112 establishes the “Save Women’s Sports Act,” and prohibits transgender female athletes from competing on interscholastic, intercollegiate, intramural, or club teams designated for girls or women.

It establishes a cause of action against schools or institutions or higher education for a student who “suffers any direct or indirect harm” from a violation of the legislation.

HB 112 also includes a clause that would void the legislation if certain measures are taken by the United States Secretary of Education for the withdrawal of federal higher education funding.



**HB 171 Sharon Greef**  
**Adopt the Montana Abortion Inducing Drug Risk Protocol Act**  
**Chapter: 309 Effective Date: October 21, 2021**

HB 171 sets various requirements for the use of a specific abortion inducing drug, Mifeprex/mifepristone. Section 6 of the bill establishes that “an abortion-inducing drug may not be provided in an elementary, secondary, or postsecondary school facility or on school grounds.

**HB 291 Moffie Funk**  
**Requiring coverage of amplification devices, service for kids with hearing loss**  
**Chapter: 209 Effective Date: January 1, 2022**

HB 291 requires coverage of amplification devices and related services for children 18 years old and younger with hearing loss. Since the State Employee Group Benefits Plan does not currently provide coverage for hearing aid and amplification devices, there is a fiscal impact to the state, which is unknown; insurance carriers will have to provide an estimate on the annual fiscal impact.

**SB 17 Jen Gross**  
**Clarify minor’s ability to disaffirm contracts for housing is restricted**  
**Chapter: 47 Effective Date: March 2, 2021**

SB 17 amends Section 41-1-305 so that a minor may not disaffirm a contract, otherwise valid, to pay the reasonable value of things necessary to support the minor or the minor’s family that was entered into by the minor when not under the care of a parent or guardian able to provide for the minor or the minor’s family.

**SB 72 Keith Regier**  
**Revise school laws related to participation in extracurricular activities**  
**Chapter: 269 Effective Date: July 1, 2021**

SB 72 amends section 20-9-311, MCA, revising the calculation of average number belonging (ANB) to include allowing certain students who participate in extracurricular activities to be included as partial enrollment for ANB calculations.

A district may, for ANB purposes, include in the October and February enrollment counts an individual who during the prior school year met the following criteria:

- (i) Resided in the district.
- (ii) Was not enrolled in the district or was not enrolled full time.
- (iii) Completed an extracurricular activity with a duration of at least 6 weeks.

Each completed extracurricular activity may be counted as one-sixteenth enrollment for the individual, but the individual may not be counted as more than one full-time enrollment for

ANB purposes. Additionally, each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment.

HB 72 defines "extracurricular activity" as the following:

- (i) A sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments.
- (ii) An approved career and technical student organization, pursuant to 20-7-306, MCA.
- (iii) A school theater production.

It may be noted that section 20-9-311(10) was not modified and states that:

“Enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.”

Section 20-9-311(10)(d) further states the following:

This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

Additionally, SB 157 (2021) requires that:

A school district or an athletic association, conference, or organization with authority over interscholastic sports may not prohibit or restrict the ability of a student attending a nonpublic or home school meeting the requirements of 20-5-109 from participating in extracurricular activities at a school in the student's resident school district solely on the student's enrollment at the public school or on the number of hours the student physically attends the public school.

**SB 74 Daniel Salomon**  
**Revise county school transportation laws**  
**Chapter: 53 Effective Date: July 1, 2021**

SB 74 amends section 20-10-131, MCA, revising the county transportation committee membership to include one representative of each school district within the county, except that an elementary district and high school district that compose a school system under 20-6-312 or 20-6-508 are limited to one representative for the school system. Each representative must be designated by the trustees of the respective school district or school system and each member of the committee is a voting member.

**SB 157 Steve Hinebauch**  
**Allow nonpublic students to participate in public school extracurriculars**  
**Chapter: 297 Effective Date: July 1, 2021**

SB 157 requires that students attending a nonpublic school or home school be permitted to participate in extracurricular activities offered by the student's resident school district.

Relating to participation in extracurricular activities, a school district or an athletic association, conference, or organization with authority over interscholastic sports may not prohibit or restrict the ability of a student attending a nonpublic or home school meeting the requirements of 20-5-109 from participating in extracurricular activities at a school in the student's resident school district solely on the student's enrollment at the public school or on the number of hours the student physically attends the public school.

A student attending a nonpublic or home school who participates in extracurricular activities at a public school is subject to:

- (a) the same standards for participation as those required of full-time students enrolled in the school.
- (b) the same rules of any interscholastic organization of which the school of participation is a member.

The academic eligibility for extracurricular participation for a student attending a nonpublic school must be attested by the head administrator of the nonpublic school.

The academic eligibility for extracurricular participation for a student attending a home school must be attested in writing by the educator providing the student instruction with verification by the school principal. The verification may not include any form of student assessment.

**SB 248            Ellie Boldman**  
**Establish student athlete rights and protections**  
**Chapter: 396            Effective Date: June 1, 2023**

SB 248 allows a student athlete to earn compensation for use of the athlete's name, image, or likeness (NIL) and to contract with and retain professional representation. A student athlete may not receive compensation from the institution.

An institution may prohibit the use of an athlete's NIL on school property, at school functions, or in any advertising material distributed or placed on school property. A student athlete may not enter into a contract if the terms of the contract conflict with team rules or with the terms of a contract entered into between the institution and a third party.

**SCHOOL FINANCE**

**HB 32            Sue Vinton**  
**Repeal ending fund balance limits for school district funds**  
**Chapter: 106            Effective Date: March 31, 2021**

HB 32 repeals MCA section 20-9-323, which directed the county superintendent to redistribute the combined ending fund balance for all budgeted funds of a school district exceeded 300% of the maximum general fund budget to surrounding districts utilizing a specified distribution mechanism. The section of law additionally made the requirement that districts were not permitted to hold a fund balance in excess of 150% of the district's maximum general fund budget limit in the flexibility fund. This section of law is repealed upon passage and approval.

**HB 33            Sue Vinton**  
**Clarify school funding related to anticipated enrollment increases**  
**Chapter: 107            Effective Date: July 1, 2021**

HB 33 amends section 20-9-314, MCA, the procedures for determining eligibility and amount of increased average number belonging due to unusual enrollment increase. This section is amended to clarify that for the determination of increases due to unusual enrollment increase, the amount of increase will include BASE aid and the special education allowable cost payment. Clarification is also made for situations when the anticipated unusual enrollment increase does not materialize that the reduction in enrollment shall not surpass the initial enrollment collection that the initial budget was based on.

**HB 46            David Bedey**  
**Revise special education funding**  
**Chapter: 470            Effective Date: February 23, 2021**

HB 46 amends sections 20-9-306 and 20-9-326, MCA, to include the special education allowable cost payment as a part of the definition of BASE and to describe the calculation for determining the size of the "total special education allocation."

The "special education allocation" is determined by the amount resulting from multiplying \$287.93 for fiscal year 2022 and \$286.02 for each succeeding fiscal year by the statewide current year ANB or the amount of the previous year's total special education allocation, whichever is greater. The distribution calculation for determining the special education allowable cost payment to districts is not changed.

Section 20-9-326, MCA is amended to include the special education allocation as part of the annual inflation-related adjustments to basic entitlements and per-ANB entitlements in preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, by the superintendent of public instruction.

**HB 159            Llew Jones**  
**Revise Governor's power to spend certain unanticipated federal funds**  
**Chapter: 228            Effective Date: April 15, 2021**

HB 159 requires the Governor’s Office to provide a plan to the Legislative Finance Committee for the expenditure of certain emergency funds provided to the state from the federal government. The Secretary of State would poll the legislature for approval of the plan.

**HB 206            David Bedey**  
**Revise education laws related to tuition and in-state treatment**  
**Chapter: 371            Effective Date: July 1, 2021**

HB 206 establishes a new funding mechanism for state tuition (for children placed in group homes or foster care) and in-state treatment (for children in children’s psychiatric hospitals or residential treatment facilities.) For both cases the bill establishes a portion of education costs to be paid by the district of residence and establishes a formula related to the school funding formula. The bill also deleted a section of statute that made children covered by Medicaid to not be eligible for coverage of in-state treatment education costs.

**HB 233            Fred Anderson**  
**Revise funding for students with disabilities**  
**Chapter: 406            Effective Date: July 1, 2021**

HB 233 amends sections 20-1-101 & 20-9-311, MCA, to define pupil as an individual who is admitted by the board of trustees pursuant to 20-5-101 and who is enrolled in a school established and maintained under the laws of the state at public expense. The eligibility of pupils and calculations for average number belonging are governed by 20-9-311. Consequently, the definition is not changed in its meaning but rather the section of law is modified for clarification purposes.

Section 20-9-311, MCA, the calculation of average number belonging (ANB), is modified to include a pupil with disabilities who is over 19 years of age and has not yet reached 21 years of age by September 10 of the school year and who is receiving special education services from a school district pursuant to 20-7-411(4)(a) may be included in the ANB calculations if:

- (i) the student has not graduated
- (ii) the student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability
- (iii) the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age or the student's disability has increased in significance after age 16

Additionally, it is stated that a school district providing special education services pursuant to this subsection is encouraged to collaborate with agencies and programs that serve adults with developmental disabilities in meeting the goals of a student's transition plan.

**HB 279            Seth Berglee**  
**Revise laws related to tax credit scholarship and innovation education programs**  
**Chapter: 480            Effective Date: October 1, 2021 with contingencies for variable**  
**effective dates**

HB 279 changes income tax credits for the Student Scholarship Organization and the Educational Improvement Program. The bill increases the maximum claimable credits from \$150 to \$200,000. The sunset on these programs have been extended to TY 2029; the credits are no longer retroactive to TY 2021.

The credits are each capped at \$1 million in TY 2022 and \$2 million in TY 2022. After TY 2022, the caps may be raised in 20% growth increments, subject to reaching at least 80% usage in the prior year. It also adds contingency provisions for delaying implementation, in annual increments, if conflicts with American Rescue Plan Act (ARPA) provisions arise.

HB 279 could allow an increase of up to \$1 million in FY 2022 and up to \$2 million in FY 2023 in school district Miscellaneous Programs Funds statewide to be spent at the discretion of trustees, in receiving districts, for innovative education programs. To the extent that SSO credits claimed increase over time as a result of students transitioning from public schools to private schools, there could be an impact on ANB that could result in savings to the state compared to present law.

**HB 303            Joshua Kassmier**  
**Revise business equipment tax laws: Business Investment Grows (BIG) Jobs Act**  
**Chapter: 506            Effective Date: July 1, 2021 with contingencies for variable effective**  
**dates**

HB 303 amends sections 15-1-121, 15-1-123, 15-6-138 and 20-9-366, MCA.

As a general overview, HB 303 increases the class eight business equipment tax exemption from \$100,000 to \$300,000 provided for in 15-6-138(4), MCA. Additionally, HB 303 provides a reimbursement to school districts by increasing the district general fund guaranteed tax base aid (GTB) multiplier in 20-9-366, MCA from 232% to 236% beginning in FY 2023, however certain contingencies apply.

The legislature intends to provide tax relief provided by HB 303 while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2.

Contingencies are based on the date that the budget director provides the certification in order to be effective, and are dependent on the either a result of a reduction of funds from the American Rescue Plan Act; or would require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.

Should the contingency language be required the year in which the general fund GTB multiplier is to be increased may be delayed until FY 2024, FY 2025 or FY 2026.

**HB 454          Vince Ricci**  
**Revise school tuition laws**  
**Chapter: 238          Effective Date: July 1, 2021**

HB 454 revises laws related to school tuition, clarifies the entities for which a district may choose to waive tuition, and authorizes trustees of a unified school system to waive tuition regardless of whether the student was or was not a resident of the elementary district unified with a county high school.

**HB 663          Brandon Ler**  
**Generally revising school funding to increase GTB and lower property taxes**  
**Chapter: 560          Effective Date: May 14, 2021**

HB 663 amends section 20-9-366, MCA by increasing the district general fund guarantee tax base aid (GTB) multiplier from 232% to 250% beginning in FY 2022 and linking additional increases to revenue generated by marijuana taxes beginning in FY 2024 and beyond by further increasing the GTB multiplier. These subsequent increases are based on a measure that is the difference in marijuana revenue transferred to the state general fund when compared to the same revenue transferred in the prior year.

HB 630 provides coordination instructions for a situation in which the contingency provided for in HB 303 (2021) is utilized. In such case where the contingency is enacted the district general fund GTB multiplier is to be reduced by 4%. This contingency, if enacted, could affect the GTB multiplier in fiscal years 2023 and including any additional years through to FY 2026.

**SB 22          Daniel Salomon**  
**Clarify amount of support for state-level CTSO programs**  
**Chapter: 69          Effective Date: July 1, 2021**

SB 22 revises laws related to secondary K-12 career and vocational/technical education programs. It clarifies state support for secondary K-12 career and vocational/technical education and for state-level strengthening career and technology student organizations.

**SB 23          Daniel Salomon**  
**Eliminate state school flexibility account**  
**Chapter: 9          Effective Date: October 1, 2021**

SB 23 amends section 20-9-543, MCA, and repeals sections 20-9-541, 20-9-542, & 20-9-544, MCA eliminating the state special revenue school flexibility account, definitions related to the account's distribution formula, and the local levy dependent on the state distribution. Section

20-9-543, MCA is amended to revise the state special revenue school flexibility fund uses, removing references and language pertaining to the three repealed sections.

**SB 24                    Daniel Salomon**  
**Allow nonoperating school districts to retain oil and gas revenue**  
**Chapter: 27                    Effective Date: July 1, 2021**

SB 24 amends section 20-9-310, MCA, revising school funding laws to allow public school districts in nonoperating status to retain a 130% of its maximum budget limit as calculated in 20-9-308, MCA from its last year of operation of oil and natural gas production taxes.

**SB 75                    Daniel Salomon**  
**Revise school funding laws related to unforeseen emergencies**  
**Chapter: 151                    Effective Date: Retroactive applicability to July 1, 2020**

SB 75 amends sections 20-1-301, 20-1-303, 20-9-802, 20-9-805, and 20-9-806, MCA, allowing instruction on a Saturday to make up instructional time lost due to an unforeseen emergency and redefines what constitutes a reasonable effort to make up instructional time lost due to an unforeseen emergency.

Section 20-1-301, MCA is modified to include the exception to the number of required aggregate hours when an emergency is declared. This section with section 20-9-805, MCA are further modified to reduce the BASE aid rather than only direct state aid in cases where a district fails to provide the minimum number of aggregate hours of instruction.

Section 20-1-303, MCA is changed to permit instructional time on Saturdays when necessary to make up aggregate hours of instructional time when due to an unforeseen emergency.

Section 20-9-802 is modified redefining “reasonable effort” when making up instructional time when due to the declaration of an unforeseen emergency to include the following making up of instructional time to be at least 75% of the time through any combination of the following:

- Extending the school year by extension of days or use of scheduled vacation days.
- Conducting pupil instruction on Saturdays.
- Extending the instructional hours during the school day.

Finally, section 20-9-806, MCA is modified requiring that, at least, 75% of the time missed when an emergency is declared for unforeseen emergencies is to be made up and that a 1-school-day closure is not subject to a reduction in BASE aid.



## **STATE LANDS**

### **HB 22          Frank Garner**

**Allow in-kind services or materials in exchange for easements on state lands used for armories or other military facilities**

**Chapter: 105          Effective Date: March 31, 2021**

This bill will permit the Department of Military Affairs to accept services or materials in kind provided as consideration for the granting of an easement across state property used by the Department for an armory or military facility. It will remedy a situation with the Kalispell armory, which was annexed into the City of Kalispell to connect to City sewer and water. The Department of Military Affairs wishes to grant the City an easement in exchange for the provision of these services and the maintenance, inspection, and repair of the utility lines. Under current law, a monetary payment is required from the City for the easement. This is unsuitable for a municipal utility provider. The Department has granted the City a temporary license, until this issue can be resolved by House Bill 22.

### **HB 49          David Bedey**

**Revise recording fees to support county and state land information accounts**

**Chapter: 226          Effective Date: July 1, 2021**

HB 49 increases the fee for recording documents under 7-4-2637, MCA, by \$1. The extra \$1 charge is distributed 25% to the local county land information account, and 75% to the Montana land information account. This results in an additional \$276,130 for local county land information accounts and \$828,392 for the Montana land information account. The total statewide fee increase is \$1,104,523 each year.

### **HB 131          David Bedey**

**Generally revise state cabin leasing laws**

**Chapter: 378          Effective Date: October 1, 2021**

HB 131 requires the sale of leased cabin and home sites on Department of Natural Resources and Conservation (DNRC) State Water Projects (SWP) lands if requested by lessee or improvement owner. Current lease revenue is recorded in State Special Revenue (SSR) Water Projects Lands Lease account. Used for SWP lands management.

There are long term impacts of lost lease revenue resulting from “one-time” sale of these properties. One-time revenue from sale is estimated by DNRC to be expended by 2035, with no alternative revenue source for SWP management of lands.

Sale of SWP properties at Painted Rocks and Tongue River Reservoir would likely span over several years, with the possibility of some properties not made available for sale. SWP properties currently generate lease revenue of \$45,413 per fiscal year (FY).

Sale preparation costs associated with the 25 leased sites at Painted Rocks and Tongue River Reservoir sites are estimated by DNRC to be \$157,250. Estimated revenue from sale of properties is \$885,000 to be collected in FY 2023.

Assumptions presented are maximum sale revenue of parcels at \$885,000 and maximum lost annual rental revenues of \$45,413. Time frame for occurrences is indeterminate.

DNRC is engaged in feasibility study to rehabilitate Painted Rocks Dam. Some properties may not be eligible for sale due to probable expansion of state water project. HB 131 does not address increases in water storage volume.

**SB 270            Brian Hoven**  
**Revise valuation of commodities on state lands**  
**Chapter: 397            Effective Date: April 29, 2021**

Montana’s Constitution mandates that the Trust Land Division receives full market value for commodities from State Lands. In FY 2020, more than 66 million tons of hay were produced on state lands. SB 270 sets annual hay prices based on round bales for agricultural leases under the jurisdiction of the regional land offices. There is no change in market information for collection for hay prices. This law limits the Division to looking at a smaller number of markets and the number of hay prices that can be used to four areas: The Division of Central Land Office (*two parts*); the Eastern Land Office; and the Northeastern Land Office. Full market value can vary in each area; no change is assumed in the outcome of the calculation of hay prices.

**SB 305            Mike Lang**  
**Revise and extend state lands reimbursement block grant for schools**  
**Chapter: 188            Effective Date: July 1, 2021**

SB 305 amends section 20-9-640, MCA, revising school funding laws related to the state lands reimbursement block grant at a rate of \$75,000 for FY 2022 and FY 2023. The sunset on the block grant is extended to June 30, 2023.

## **TEACHING AND LEARNING**

**HB 68            Marta Bertoglio**  
**Provide early school enrollment for children of relocated military families**  
**Chapter: 20            Effective Date: February 23, 2021**

HB 68 amends section 20-5-101, MCA, requiring school district trustees to allow children of military families that are relocating to Montana under military orders to preliminarily enroll in classes and apply for programs offered by the district prior to establishing residency.

**HB 89            Wendy McKamey**

**Revise transformational learning program**  
**Chapter: 203                    Effective Date: July 1, 2021**

In the 2019 Legislative Session, HB 351 was passed that created Transformational Learning. There was dissatisfaction with the first-come, first-served model for awarding available funds for public school districts during the interim. In the year they applied, districts that didn't get funded were placed on a waiting list. HB 89 changed the first-come, first-serve method to a lottery system to determine the order of districts for funding. Those districts on the waiting list retain their current position for funding.

**HB 282                    Fred Anderson**  
**Revise labor laws relating to employment of minors**  
**Chapter: 135                    Effective Date: October 1, 2021**

HB 282 allows student-employees 16 years or older to perform work functions under the direct and close supervision of a qualified and experienced person with experience in the occupation under 41-2-103 and allows a student-employee to work under occupations included in 41-2-107.

**HB 283                    Fred Anderson**  
**Revise workers' compensation laws relating to student interns**  
**Chapter 136                    Effective Date: October 1, 2021**

HB 283 requires workers' compensation for an elementary or secondary student who is not paid wages and in a work-based learning activity, the business partner and school district are required to mutually determine and agree in writing whether the business partner or school will elect coverage for the student.

**HB 328                    Rep Connie Keogh**  
**Create guidelines regarding early childhood education services**  
**Chapter: 214                    Effective Date: October 1, 2021**

HB 328 requires DPHHS to provide a list of tools for qualified personnel to use in assessing language and literacy development of deaf and hard-of-hearing children.

**SB 99                    Cary Smith**  
**Establish parameters for K-12 human sexuality education**  
**Chapter: 316                    Effective Date: July 1, 2021**

SB 99 establishes parameters for K-12 human sexuality education and allows a parent or guardian of a child to remove the child from human sexuality instruction. The bill also provides a definition of human sexuality instruction and requires a school district to inform a parent or guardian when events or courses on human sexuality will be held or taught. It prohibits a school district from allowing any abortion services provider to offer materials of instruction at a school.

**SB 109 Daniel Salomon**  
**Revise laws relating to gifted and talented education**

**Chapter: 150 Effective Date: July 1, 2021**

SB 109 requires school districts to identify gifted and talented children and amends section 20-7-902, MCA.

**TRANSPORTATION**

**HB 207 Neil Duram**  
**Generally revise education laws**

**Chapter: 246 Effective Date: April 19, 2021**

HB 207 revises some safety features on school buses such as changing the standard for flashing lights when stopping from four to four or more and the standard for front and rear red and amber flashing lights from two to two or more.

**HB 256 Michele Binkley**  
**Revise child restraint laws**

**Chapter: 100 Effective Date: October 1, 2021**

HB 256 amends Section 61-9-420, MCA, to read that each motor vehicle passenger who is under 6 years of age and weighs less than 60 pounds must be transported and properly restrained in a child safety restraint. The child safety restraint must be appropriate for the height and weight of the child as indicated by manufacturer standards. Exemptions may be made for a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint.

**HB 267 Neil Duram**  
**Improve school bus safety laws**

**Chapter: 478 Effective Date: October 1, 2021**

HB 267 allows for some enhancements to equipment that may be added to school buses in order to provide additional protection for children crossing roadways to/from buses for boarding/exiting buses. These enhancements include extended stop arms with flashing lights, video recording equipment on buses to record vehicles passing in violation of the law requiring motorists to stop for buses loading/unloading children. The bill also adds a new misdemeanor infraction for overtaking a stopped school bus on its right side and a fine up to \$1,000 and/or imprisonment for up to six months.

**HB 300 Jerry Schillinger**  
**Generally revise school transportation laws**

**Chapter: 292 Effective Date: July 1, 2021**

HB 300 authorizes the use of 8-passenger to 15-passenger vehicles for transportation of students to and from certain events. The vehicle must be insured in accordance with the minimum coverage requirements established in MCA 20-10-109. A district may use a passenger vehicle to transport students to or from school-sponsored functions or activities, not for transporting students to or from school on a regular bus route.

## **INDEX OF K-12 EDUCATION RELATED BILLS**

<b>Bill</b>	<b>Sponsor</b>	<b>Short Title</b>	<b>Status</b>	<b>Category</b>
HB 2	Llew Jones (R) HD 18	General Appropriations Act	Pass	Appropriations
HB 3	David Bedey (R) HD 86	Supplemental Appropriations Act	Pass	Appropriations
HB 4	Dan Bartel (R) HD 29	Appropriations by Budget	Pass	Appropriations
HB 15	Fred Anderson (R) HD 20	BASE Aid K-12 Inflation	Pass	Appropriations
HB 630	David Bedey (R) HD 86	Appropriate CARES II funds, supplemental, and temporarily revise ed fund	Pass	Appropriations
HB 632	Frank Garner (R) HD 7	Implement receipt of and appropriate federal stimulus and COVID recovery funds	Pass	Appropriations
HB 663	Brandon Ler (R) HD 35	Revise school funding to increase GTB and lower property taxes	Pass	Appropriations
HB 671	David Bedey (R) HD 86	Implement provisions of HB2 – Section E - education	Pass	Appropriations
HB 107	Ron Marshall (R) HD 87	Revise mill levy election laws	Fail	Elections
SB 15	Janet Ellis (D) SD 41	Revise election laws related to accessibility for disabled electors	Pass	Elections
SB 93	Gordon Vance (R) SD 34	Revise provisions related to poll watchers	Pass	Elections
SB 224	Steve Fitzpatrick (R) SD 10	Generally revise campaign finance laws	Pass	Elections
HB 176	Sharon Greef (R) HD 88	Close late voter registration on Friday before the election	Pass	Elections
HB 429	Llew Jones (R) HD 18	Revise Governor’s power to suspend election laws during emergency	Pass	Elections
HB 530	Wendy McKamey (R) HD 19	Require Secretary of State to adopt rules governing election security	Pass	Elections

HB 13	Julie Dooling (R) HD 70	State employee pay plan	Pass	Employment Relations
HB 59	Jim Hamilton (D) HD 61	Revise funding provisions in PERS	Fail	Employment Relations
HB 81	Jim Hamilton (D) HD 61	Generally revise laws on administration of MPERA retirement systems	Pass	Employment Relations
HB 88	Marta Bertoglio (R) HD 75	Generally revise administration of TRS	Pass	Employment Relations
HB 143	Llew Jones (R) HD 18	Provide incentives for increasing teacher pay, generally revise school funding laws	Pass	Employment Relations
HB 186	Scot Kerns (R) HD 23	Generally revise laws related to teacher certification	Fail	Employment Relations
HB 317	Ron Marshall (R) HD 87	Generally revise state employee laws related to travel expenses	Fail	Employment Relations
HB 403	Tyson Running Wolf (D) HD 16	Create “grow your own” teacher grant program	Pass	Employment Relations
SB 16	Doug Kary (R) SD 22	Confirm Governor’s appointee to the Public Employee’s Retirement System Board	Fail	Employment Relations
SB 188	Mike Lang (R) SD 17	Revise school teacher retirement with pension	Fail	Employment Relations
SB 228	Greg Hertz (R) SD 6	Generally revise employee union laws	Fail	Employment Relations
HB 5	Llew Jones (R) HD 18	Long-range building appropriations	Pass	Facilities
HB 181	Katie Zolnikov (R) HD 45	Reauthorizing the E-rate broadband program	Pass	Facilities
HB 192	Linda Reksten (R) HD 12	Providing for school capital improvement accounts	Pass	Facilities
HB 422	Kelly Kortum (D) HD 65	Authorize municipalities to operate broadband utilities	Fail	Facilities
SB 42	Carlie Boland (D) SD 12	Allow use of school major maintenance funds for lead remediation	Fail	Facilities
HB 246	Marta Bertoglio (R) HD 75	Revise educational laws to enhance local control and opportunities for students	Pass	Governance
HB 422	Kelly Kortum (D) HD 65	Authorize municipalities to operate broadband utilities	Fail	Governance
HB 343	Jane Gillette (R) HD 64	Generally revise dentistry and dental hygiene laws	Fail	Governance
HB 344	Jane Gillette (R) HD 64	Revising laws relating to designation of public health facilities	Fail	Governance
HB 371	David Bedey (R) HD 86	Revise qualifications to serve as a superintendent of public instruction	Fail	Governance
HB 441	Kelly Kortum (D) HD 65	Revise age requirements for election judges	Fail	Governance
HB 462	Mallerie Stromswold (R) HD 50	Revise driver license laws for foster children	Pass	Governance

HB 484	Jane Gillette (R) HD 64	Require state programs to participate in a health information exchange	Fail	Governance
HB 492	Brad Tschida (R) HD 97	Protecting children on the internet	Fail	Governance
HB 499	Jeremy Trebas (R) HD 26	Revise child abuse and neglect laws regarding reasonable efforts	Pass	Governance
HB 540	Seth Berglee (R) HD 58	Revise high school and elementary school district laws	Fail	Governance
HB 543	Bob Phalen (R) HD 36	Revise laws related to school instruction on the Constitution and pledge	Pass	Governance
HB 556	Kenneth Walsh (R) HD 71	Provide alternative means of earning high school diploma	Pass	Governance
SB 4	Jason Small (R) SD 21	Extend Missing Indigenous Persons Task Force	Pass	Governance
SB 18	Daniel Salomon (R) SD 36	Establish graduation requirements for educationally disrupted youth	Pass	Governance
SB 42	Carlie Boland (D) SD 12	Allow use of school major maintenance funds for lead remediation	Fail	Governance
SB 94	Susan Webber (D) SD 8	Establishing Indigenous Peoples Day	Fail	Governance
SB 199	Greg Hertz (R) SD 6	Provide for the Montana Local Food Choice	Pass	Governance
SB 206	Mark Sweeney (D) SD 39	Revise report publication date for teacher loan forgiveness program	Pass	Governance
SB 259	Theresa Manzella (R) SD 44	Restrict governmental entity from interfering with parental rights	Fail	Governance
SB 297	Jason Ellsworth (R) SD 43	Connect MT Act to establish broadband deployment	Pass	Governance
SB 298	Keith Regier (R) SD 3	Establish right of conscience laws for K-12 public education	Fail	Governance
SR 43	Daniel Salomon (R) SD 47	Confirm Governor's appointee to Board of Public Education	Fail	Governance
SR 44	Daniel Salomon (R) SD 47	Confirm Governor's appointee to Board of Public Education	Pass	Governance
SR 83	Daniel Salomon (R) SD 47	Confirm Governor's appointee to Board of Public Education	Pass	Governance
HB 27	Moffie Funk (D) HD 82	Authorize school districts to create "handle with care" programs	Fail	Health and Safety
HB 70	Ken Holmlund (R) HD 38 Moffie Funk (D) HD 82	Generally revise laws related to school meals	Pass	Health and Safety
HB 78	Bill Mercer (R) HD 46	Require certain employees to report suspected child abuse and neglect	Fail	Health and Safety
HB 105	Ron Marshall (R) HD 87	Generally revise unlawful transactions with children laws	Pass	Health and Safety
HB 112	John Fuller (R) HD 8	Require interscholastic athletes to participate under gender assigned at birth	Pass	Health and Safety
HB 171	Sharon Greef (R) HD 88	Adopt the Montana Abortion-Induction Risk Protocol Act	Pass	Health and Safety

HB 227	Mary Ann Dunwell (D) HD 84	Establish student mental health screening pilot program	Fail	Health and Safety
HB 250	Casey Knudsen (R) HD 33	Revise immunization requirements for pharmacists	Fail	Health and Safety
HB 291	Moffie Funk (D) HD 82	Require coverage of amplification devices, services for kids with hearing loss	Pass	Health and Safety
HB 332	Ed Hill (R) HD 28	Revise school laws related to vaccines	Fail	Health and Safety
HB 339	Frank Flemming (R) HD 51	Require child support cooperation for food stamp eligibility	Fail	Health and Safety
HB 369	Mary Caferro (D) HD 81	Support school-based prevention programs	Fail	Health and Safety
HB 377	Wendy McKamey (R) HD 19	Revise criminal penalties for certain threats of violence	Fail	Health and Safety
HB 415	Jennifer Carlson (R) HD 69	Prohibit discrimination based on vaccination status	Fail	Health and Safety
HB 467	Jessica Karjala (D) HD 48	Revise public education laws to prohibit lunch shaming	Fail	Health and Safety
HB 557	Jonathan Windy Boy (D) HD 32	Revise missing persons laws	Fail	Health and Safety
SB 16	Jen Gross (D) SD 25	Allow minors to consent to emergency shelter and services	Fail	Health and Safety
SB 17	Jen Gross (D) SD 25	Clarify minors' ability to disaffirm contracts for housing is restricted	Pass	Health and Safety
SB 72	Keith Regier (R) SD 3	Revise school laws related to participation in extracurricular activities	Pass	Health and Safety
SB 74	Dan Salomon (R) SD 47	Revise county school transportation laws	Pass	Health and Safety
SB 157	Steve Hinebauch (R) SD 18	Generally revise laws related to school athletics	Pass	Health and Safety
SB 248	Ellie Boldman (D) SD 45	Establish student athlete rights and protections	Pass	Health and Safety
SB 282	Theresa Manzella (R) HD 44	Assert right of parent to direct child healthcare	Fail	Health and Safety
SJ 15	Jason Ellsworth (R) SD 43	Approve organization of Bitterroot Valley Community College District	Pass	Higher Education
SR 2	Jason Ellsworth (R) SD 43	Approve organization of Bitterroot Valley Community College District	Fail	Higher Education
SR 42	Daniel Salomon (R) SD 47	Confirm Governor appointees to Board of Regents of Higher Education	Pass	Higher Education
SR 45	Daniel Salomon (R) SD 47	Confirm Governor appointees to Board of Regents of Higher Education	Fail	Higher Education
SR 73	Daniel Salomon (R) SD 47	Confirm Governor appointees to Board of Regents of Higher Education	Pass	Higher Education



HR 6	Scot Kerns (R) HD 23	Resolution opposing MUS requiring COVID vaccination	Fail	Higher Education
HB 67	Llew Jones (R) HD 18	Generally revise community college funding laws	Pass	Higher Education
HB 100	Denise Hayman (D) HD 66	Revise community college audit requirements	Pass	Higher Education
HB 129	David Bedey (R) HD 86	Revise the Family Education Savings Act	Pass	Higher Education
HB 179	David Bedey (R) HD 86	Generally revise laws related to community colleges	Pass	Higher Education
HB 262	Robert Farris-Olsen (D) HD 79	Expand exemptions from collections to include student loans	Fail	Higher Education
HB 626	Tyson Running Wolf (D) HD 16	Revise non-resident non-beneficiary student reimbursement for tribal colleges	Fail	Higher Education
HB 654	Andrea Olsen (D) HD 100	Increase funding for higher education	Fail	Higher Education
SB 25	Daniel Solomon (R) SD 47	Revise duties of Education Interim Committee regarding MUS	Pass	Higher Education
SB 46	Ryan Lynch (D) SD 37	Increase MUS-RP supplemental contribution to TRS	Fail	Higher Education
SB 110	Ryan Osmundson (R) SD 15	Revise state employee and U-system health plan laws for temp state share holiday	Pass	Higher Education
SB 124	Shane Morigeau (D) SD 48	Revise laws related to student loans	Fail	Higher Education
SB 243	Bryce Bennett (D) SD 50	Create presumption of domicile for students joining Montana National Guard	Pass	Higher Education
SB 247	Ellie Boldman (D) SD 42	Generally revise alcohol state property/postsecondary education	Pass	Higher Education
HB 16	Fred Anderson (R) HD 20	Allow 3 and 4-year olds with disabilities in AND calculations	Fail	School Finance
HB 32	Sue Vinton (R) HD 56	Repeal ending fund balance limits for school districts	Pass	School Finance
HB 33	Sue Vinton (R) HD 56	Clarify school funding related to anticipated enrollment increase	Pass	School Finance
HB 46	David Bedey (R) HD 86	Include SPED funding in BASE Aid formula	Pass	School Finance
HB 69	Wendy McKamey (R) HD 19	Eliminate reduced-price co-pays for school meals	Fail	School Finance
HB 147	Tom France (D) HD 94	Establish Montana hunters and angler community fund	Fail	School Finance
HB 159	Llew Jones (R) HD 18	Revise Governor's power to spend certain unanticipated federal funds	Pass	School Finance
HB 206	David Bedey (R) HD 86	Revise education laws related to tuition and in-state treatment	Pass	School Finance
HB 233	Fred Anderson (R) HD 20	Revise funding for students with disabilities	Pass	School Finance

HB 279	Seth Berglee (R) HD 58	Revise laws related to tax credits scholarship and innovation education programs	Pass	School Finance
HB 303	Josh Kassmier (R) HD 27	Revise business equipment tax laws: Business Investment Grows (BIG) Act	Pass	School Finance
HB 329	Sue Vinton (R) HD 56	Establish the Students with Special Needs Opportunity Act	Fail	School Finance
HB 372	Brandon Ler (R) HD 35	Eliminate business equipment tax	Fail	School Finance
HB 404	Jimmy Patelis (R) HD 52	Generally revise education funding relating to oil and gas distribution	Fail	School Finance
HB 454	Vince Ricci (R) HD 55	Revise school tuition laws	Pass	School Finance
HB 465	Scot Kerns (R) HD 23	Limit school district superintendent salaries	Fail	School Finance
HJ 6	Dave Fern (D) HD 5	Provide for study of natural resources trust fund	Pass	School Finance
SB 22	Daniel Salomon (R) SD 47	Clarify amount of support for state-level CTSO programs	Pass	School Finance
SB 23	Daniel Salomon (R) SD 47	Eliminate state school flexibility account	Fail	School Finance
SB 24	Daniel Salomon (R) SD 47	Allow non-operating school districts to retain oil, gas revenue	Pass	School Finance
SB 75	Daniel Salomon (R) SD 47	Revise school funding laws related to unforeseen emergencies	Pass	School Finance
SB 95	Edie McClafferty (D) HD 38	Revise school funding inflationary adjustment	Fail	School Finance
SB 293	Christopher Pope (D) SD 31	Revise property tax laws related to electric generation	Fail	School Finance
SB 342	Shannon O'Brien (D) SD 46	Generally revise laws related to preschool programs	Fail	School Finance
HB 22	Frank Garner (R) HD 7	Allow in-kind services for easements on state land for military families	Pass	State Lands
HB 49	David Bedey (R) HD 86	Revise recording fees to support county and state land information accounts	Pass	State Lands
HB 131	David Bedey (R) HD 86	Generally revise state cabin leasing laws	Pass	State Lands
HB 352	Jedediah Hinkle (R) HD 67	Revise laws related to conservation easements	Fail	State Lands
HB 418	Steve Gunderson (R) HD 1	Establish the Public Lands Access Act	Fail	State Lands
SB 270	Brian Hoven (R) SD 13	Revise valuation of commodities on state lands	Pass	State Lands
SB 305	Mike Lang (R) SD 17	Revise and extend state lands reimbursement block grant for schools	Pass	State Lands
HB 25	Moffie Funk (D) HD 82	Clarifying funding for education of children in residential care	Fail	Teaching and Learning
HB 68	Marta Bertoglio (R) HD 75	Provide early school enrollment for children of relocated military	Pass	Teaching and Learning

HB 89	Wendy McKamey (R) HD 19	Revise transformational learning program	Pass	Teaching and Learning
HB 166	Dave Fern (D) HD 5	Expanding the transformational learning program to include magnet schools	Fail	Teaching and Learning
HB 185	Scot Kerns (R) HD 23	Revise laws related to basic instructional program in high schools	Fail	Teaching and Learning
HB 219	Jonathan Windy Boy (D) HD 32	Create computer coding student employment program	Fail	Teaching and Learning
HB 282	Fred Anderson (R) HD 20	Revise labor laws relating to employment of minors	Pass	Teaching and Learning
HB 283	Fred Anderson (R) HD 20	Revise workers' compensation laws relating to student interns	Pass	Teaching and Learning
HB 286	Jonathan Windy Boy (D) HD 32	Revise laws related to Montana Digital Academy	Fail	Teaching and Learning
HB 328	Connie Keogh (D) HD 91	Create guidelines regarding early childhood education services	Pass	Teaching and Learning
HB 392	Jonathan Windy Boy (D) HD 32	Generally revise language immersion laws	Fail	Teaching and Learning
SB 99	Cary Smith (R) SD 27	Establish parameters for K-12 human sexuality education	Pass	Teaching and Learning
SB 109	Daniel Salomon (R) SD 47	Revise laws related to gifted and talented education	Pass	Teaching and Learning
SB 300	Carl Glimm (R) SD 2	Generally revise laws related to driver education	Pass	Teaching and Learning
HB 207	Neil Duram (R) HD 2	Generally revise school bus safety laws	Pass	Transportation
HB 256	Michele Binkley (R) HD 85	Revise child restraint laws	Pass	Transportation
HB 267	Neil Duram (R) HD 2	Improve school bus safety laws	Pass	Transportation
HB 300	Jerry Schillinger (R) HD 37	Generally revise school transportation laws	Pass	Transportation
HB 350	Brian Putnam (R) HD 9	Generally revise school bus laws	Fail	Transportation



## Putting Montana Students First

**A<sup>+</sup>** Local Control and Flexibility for Stronger Montana Communities

**A<sup>+</sup>** Serving All of Those Who Serve Montana's Students

**A<sup>+</sup>** Montana-Made Solutions to Maximize Student Success

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