

K-12 EDUCATION

2011 LEGISLATIVE SESSION

**SUMMARY OF LEGISLATION
RELATED TO K-12 EDUCATION**

Prepared by
Office of Public Instruction



opi.mt.gov

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PLEASE NOTE: This document contains brief summaries of bills relating to K-12 education that were considered by the Montana Legislature during the 2011 Legislative Session. The summaries are not offered as legal advice nor as a definitive interpretation of these bills. For a more comprehensive understanding of these laws, please consult the original legislation.

This summary is posted on the OPI website at:

http://opi.mt.gov/PDF/Superintendent/2011_legislative_summary.pdf

ACCREDITATION/CURRICULUM

HB 421 Sue Malek

Expand provider types for adult basic education

Chapter: 171 Effective Date: 10/1/11

HB 421 cleans up language in sections 20-7-702 and 20-7-712, MCA, relating to Adult Basic Education (ABE). The primary change aligns state law with federal regulations. There are 20 Adult Basic and Literacy Education (ABLE) programs with 36 satellite sites in Montana. Five of these programs and their satellites receive federal ABLE funding, but have not been able to share in the state ABE funding because of restrictions in state law. The revisions add public libraries and community-based organizations to the list of entities in Montana that are able to share in the state funding. The language provides all of the ABLE programs in the state equal access to all funding.

APPROPRIATIONS

HB 2 Walter McNutt

General appropriations act

Chapter: 363 Effective Date: 7/1/11

HB 2 contains the majority of state agency appropriations for the biennium beginning July 1, 2011. These appropriations include \$750.593 million in FY 2012 and \$794.409 million in FY 2013 for distributions of state and federal aid to local education agencies. For FY 2013, the HB 2 appropriations provide an incomplete picture of the total appropriations to local education activities. In total, HB 2, SB 329, and SB 372 appropriate \$802.470 million for local education activities in FY 2013. As explained below, these appropriations are projected to be \$53.414 million short of the amount needed to fully fund K-12 BASE aid in the 2013 biennium.

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

K-12 EDUCATION, HB 2:

- **K-12 BASE Aid**

Appropriates \$485.442 million in FY 2012 and \$526.495 million in FY 2013 for K-12 BASE aid to implement SB 329, which sets funding levels for state support for K-12 schools. The distributions to school districts that are included in the K-12 BASE aid appropriations are the basic and per-ANB entitlements, guaranteed tax base aid, quality educator payments, Indian Education for All payments, American Indian Achievement Gap payments, and school district audit payments.

SB 329 (in coordination with the veto of HB 316) provides a 1.0% increase in the basic and per-ANB entitlement in FY 2012 and a 1.6 percent increase in FY 2013. No increases are provided for the quality educator payment, Indian Education for All payment, or American Indian Achievement Gap payment. HB 2 increases funding for school district audit payments by \$11,550 in FY 2012 and \$17,182 in FY 2013. The At-Risk student payment is restored for the 2013 biennium at an appropriation level of \$5 million annually.

The appropriation for K-12 BASE aid shown in HB 2 (page E-1) is \$485.442 million in FY 2012 and \$526.495 million in FY 2013. Additional adjustments were made to the K-12 BASE aid appropriation in SB 372 and SB 329. SB 372 reduces the K-12 BASE aid appropriation by \$1,803,873 for the 2013 biennium and increases the general fund appropriation for HB 124 block grants by \$6,444,852 to implement the property tax replacement plan associated with the reduction in the class 8 business equipment tax rate. SB 329 increases the K-12 BASE aid appropriation by \$3,419,812 to implement the new state and county school oil and gas impact accounts in FY 2013.

The combined appropriations and funding commitments in HB 2, SB 372, SB 329, and from the

guarantee account increase the K-12 BASE aid payments to schools by \$52.519 million in the 2013 biennium above the FY 2010 base expenditure level. Of this \$52.519 million, \$23.198 million is appropriated to bring the FY 2010 base up to the FY 2011 funding level (exclusive of one-time only ARRA funds), \$19.901 million is new funding for K-12 schools, and \$9.420 million is to coordinate with changes in tax laws. Compared to the 2011 Biennium funding levels (including one-time only ARRA funds), the K-12 BASE aid appropriation is increased by \$29.321 million for the 2013 biennium.

HB 316 contained a provision to deposit federal mineral leasing funds in the guarantee account rather than the state general fund (where they are deposited under current law). With the Governor's veto of HB 316 following adjournment of the legislative session, the general fund appropriation for K-12 BASE aid is projected to be \$53.414 million short of the amount needed to fund the statutory funding levels for FY2012 and FY 2013. Under 20-9-351, MCA, the Superintendent of Public Instruction is required to request a supplemental appropriation in the second year of the biennium that is sufficient to complete the funding for K-12 BASE aid.

- **Transportation Aid**

Appropriates \$12.622 million in FY 2012 and \$12.722 million in FY 2013 for state reimbursements to school districts for pupil transportation. These appropriations increase transportation reimbursements by \$500,000 above the FY 2010 base expenditure level. The additional funding is needed to fund costs of bus routes and individual transportation contracts under current statutory mileage reimbursement rates.

- **Special Education**

Appropriates \$41.647 million in FY 2012 and \$41.647 million in FY 2013 for state special education payments to schools. These appropriations are \$2.586 million above the FY 2010 base expenditure level, but equal to the actual funding levels (including one-time only funding) provided to schools in each year of the 2011 biennium.

- **School Facility Payments**

Appropriates \$8.586 million in each year of the 2013 biennium for school facility payments to school districts that are eligible for guaranteed tax base aid and have outstanding bonded indebtedness. The appropriations maintain the state funding for school facility payments at the FY 2010 base expenditure level. These payments will be paid from the school facility and technology account established in 20-9-516, MCA.

- **In-State Treatment**

Appropriates \$787,800 in each year of the 2013 biennium for education services for students in in-state psychiatric residential treatment facilities. The appropriations increase the state funding for in-state treatment by \$48,080 from the FY 2010 base expenditure level.

- **Secondary Vocational Education**

Appropriates \$1,000,000 in each year of the 2013 biennium for secondary vocational education

programs. The appropriations maintain the state funding for secondary vocational education at the FY 2010 base expenditure level.

- Adult Basic Education

Appropriates \$525,000 in each year of the 2013 biennium for adult basic education programs. The appropriations maintain the state funding for adult basic education at the FY 2010 base expenditure level.

- Gifted and Talented Grant Program

Appropriates \$250,000 in each year of the 2013 biennium for school district gifted and talented programs. The appropriations increase the state funding for gifted and talented programs by \$6,036 from the FY 2010 base expenditure level.

- School Foods

Appropriates \$663,861 in FY 2012 and \$676,386 in FY 2013 for school nutrition programs. The appropriations increase the state funding for school nutrition programs by \$42,937 from the FY 2010 base expenditure level.

- HB 124 Block Grants

Appropriates \$52.150 million in FY 2012 and \$58.595 million in FY 2013 for block grants to schools and counties. The appropriations increase the state funding for HB 124 block grants by \$7.232 million above the FY 2010 base expenditure level in order to bring the FY 2010 base up the FY 2011 appropriation level and to implement SB 372. SB 329 eliminated the annual 0.76 percent inflator for school block grants, but did not eliminate the annual inflator for county transportation block grants. As a result, it is estimated that a supplemental appropriation of \$42,324 will be needed in FY 2013.

- State Tuition Payments

Appropriates \$639,308 in each year of the 2013 biennium for tuition payments to schools that enroll students placed by state agencies or courts under mandatory attendance agreements. The appropriations maintain the funding for state tuition payments at the FY 2010 base expenditure level.

- At-Risk Student Payment

Appropriates \$5 million in each year of the 2013 biennium for at-risk student payments under § 20-9-328, MCA to the school district general funds. This restores funding for the at-risk student payment which was not funded in the 2011 biennium.

- Traffic and Safety Education

Appropriates \$750,000 in each year of the 2013 biennium for driver's education programs provided by school districts. The appropriations maintain the state funding for traffic education programs at the FY 2010 base expenditure level. Traffic and Safety Education revenues are generated from a percentage of the driver's license fee and commercial driver's license fees.

- Advancing Agricultural Education in Montana

Appropriates \$128,957 in FY 2012 and \$128,960 in FY 2013 from the state general fund to school districts to support secondary agricultural education programs and to implement 20-7-334, MCA.

- Multidistrict Cooperatives

Appropriates \$1 million general fund for the 2013 biennium for distribution to schools that participate in multidistrict cooperatives. This one-time-only appropriation will be distributed to schools by the Office of Public Instruction in FY 2013 and will be supplemented by another \$1 million general fund appropriated in SB 329 for the same purpose.

- Federal Grant Awards

Appropriates \$139.401 million in FY 2012 and \$143.051 million in FY 2013 for distribution of federal education grant monies to school districts. This spending authority represents an increase of \$19.117 million over the FY 2010 base expenditure level. Increases are projected for federal school foods programs, Title I – School Improvement, and the Individuals with Disabilities Act. The base expenditure level only includes on-going funding; when compared to the actual FY 2010 expenditures for federal grants, including ARRA funds, the spending authority for the 2013 biennium is reduced by \$10.109 million

OPI OPERATIONS AND TECHNICAL ASSISTANCE TO SCHOOLS, HB 2:

- OPI Agency Budget

Appropriates \$8.723 million in FY 2012 and \$8.729 million in FY 2013 from state general fund dollars for OPI state level activities. Across the board reductions resulted in a \$374,915 annual cut to personal services (8% vacancy savings) and a \$261,736 annual cut to operating budgets (5.8% cut). These cuts include a \$5,000 annual cut in travel and a \$9,902 annual reduction in personal services based on anticipated savings due to worker's comp reforms.

- National Student Clearinghouse

Appropriates \$7,600 in each year of the 2013 biennium for a contract with the National Student Clearinghouse to track college continuation rates and persistence rates for Montana high school graduates.

- Montana Digital Academy

Appropriates \$1.168 million in each year of the 2013 biennium for operation of the Montana Digital Academy, which is located on the campus of the University of Montana. The digital academy makes distance learning opportunities available to K-12 students through public school districts.

- State Special Revenues for School Lunch Programs and Traffic and Safety Education

Appropriates \$96,504 in FY 2012 and \$96,335 in FY 2013 for the School Lunch Program. Revenues for the School Lunch Program are generated from reimbursements for the costs of shipping, handling, and other related costs of school food commodities. Appropriates \$139,999 in FY 2012 and \$140,357 in FY 2013 for OPI's administration of Traffic and Safety Education.

- **Federal Grant Award Adjustments**

Appropriates \$18.357 million in FY 2012 and \$16.142 million in FY 2013 for local education activities associated with federal programs administered by the OPI. The appropriations increase spending authority by \$5.5 million over the FY 2010 base expenditure level to provide spending authority for a K-12 longitudinal data systems grant received by OPI and for statewide present law adjustments.

The OPI is statutorily appropriated from the state guarantee account an estimated \$111.377 million in FY 2012 and \$93.548 million in FY 2013 for K-12 BASE aid payments and \$1.0 million in FY 2012 and \$1.0 million in FY 2013 for grants for school technology purchases. Revenues for the state guarantee account are generated from state school trust lands; streambed rent payments; oil and natural gas production taxes; and one-time transfers approved in HB 604. The guarantee account is the first source of funding for the K-12 BASE aid, and monies from the guarantee account offset expenditures that would otherwise be paid from the state general fund.

HB 3 Robert (Bob) Mehlhoff
Supplemental Appropriations

Chapter: 281 Effective date: 4/28/2011

HB 3 provides additional general fund support to meet the state's legal obligations for the fiscal year ending June 30, 2011. The bill funds \$510,000 for pupil transportation reimbursements to schools and \$356,000 for state-paid tuition to fund obligations already legally incurred for the fiscal year under state law. Any unspent appropriation reverts to the state general fund at the end of FY 2011.

HB 4 Robert (Bob) Mehlhoff
Appropriations by budget amendment

Chapter: 364 Effective date: 5/12/11

HB 4 extends spending authority into the next biennium for two grants OPI received from the U.S. Department of Education under the American Reinvestment and Recovery Act. The federal grant awards continue into state FY 2012 and FY 2013.

HB 15 Trudi Schmidt
School facility grant program

Chapter: 313 Effective date: 7/1/11

HB 15 appropriates the following amounts from the state school facility and technology account to the Montana Department of Commerce:

- \$11,069,265 for public school facilities projects under the Quality Schools Facility Grant

Program. Grants for 30 projects are specifically listed in the bill. Projects must be completed by June 30, 2013.

- \$100,000 for emergency grants to public school districts for emergency school facility projects as defined in 90-6-803, MCA.
- \$900,000 for matching grants to public school districts for planning facilities projects as defined in 90-6-803, MCA.

HB 611 Rob Cook

Generally revise use of accounts and funds

Chapter: 337 Effective Date: 7/1/2011

HB 611 amends 20-7-334, MCA to allow monies in the advancing agricultural education program account and other monies appropriated by the legislature to be used by the Office of Public Instruction for addressing the stability of and making improvements to Montana's agricultural education programs. As amended, 20-7-334, MCA allows the Office of Public Instruction to make program payments to eligible districts once each school year. The previous statutory language limited a district to receiving a one-time payment.

HB 613 Don Roberts

Generally revise elements of the budget process to implement HB 2

Chapter: 394 Effective Date: 7/1/2011

HB 613 revises provisions of the legislative budgeting process. One provision of the bill prohibits vacancy savings from being imposed on authorized positions in the Montana School for the Deaf and Blind.

AT-RISK YOUTH

HB 114 Jesse O'Hara

Amend Montana crime victims compensation act

Chapter: 32 Effective: 10/1/ 11

HB 114 provides mental health treatment for any minor children who were present in a home where criminally injurious domestic violence occurred. Total payments may not exceed \$2,000 or 12 consecutive months of treatment, whichever comes first.

HB 216 Mike Miller

Require DOJ to adopt rules for hardship licenses for certain permit holders

Chapter: 246 Effective Date: 10/1/11

HB 216 directs the Department of Justice to adopt rules in section 61-5-125, MCA that recognize farm and ranch employment as an acceptable reason for hardship in issuing a license to a permitted driver age 14 or older. The rule would allow students from farm and ranch families, who live more than seven miles from a bus stop, to drive to or from the bus stop without a parent or legal guardian in the vehicle.

HB 565 Pat Noonan

Clarify requirements for providing services to high-risk children

Chapter: 377 Effective Date: 10/1/11

HB 565 requires the Department of Public Health and Human Services to consider placement options in in-state treatment facilities for high risk children with multiagency service needs before the department places children out-of-state. The DPHHS will create rules to assure that out-of-state placement is a last resort. The rules will establish a procedure for in-state facilities to offer a treatment plan for high-risk children which will be considered by DPHHS before children are placed out-of-state.

HJ 5 Keith Regier

Establish "Montanans with Developmental Disabilities Week"

HJ 5 declares the second week of May as "Montanans with Developmental Disabilities Week." The resolution encourages all people, school districts, community colleges, cities and counties, public and private institutions of higher education, state and local agencies, nonprofit and community-based organizations, and private businesses and corporations to observe Montanans

with Developmental Disabilities Week by declaring appropriate classroom instructional time or by coordinating all inclusive activities to be conducted during that week to afford opportunities for Montana citizens to learn more about the developmental disability community and to celebrate and honor its role in contemporary American society.

HJ 8 Chuck Hunter

Interim study on reducing childhood hunger in Montana

HJ 8 requests an interim study on childhood hunger in Montana and ways to improve access to nutritious food for all Montana children. Study efforts should examine and make recommendations on:

- existing programs that seek to reduce childhood hunger and improve children's access to nutritious foods. School foods programs will be included in this review;
- closing gaps that exist in the services offered by existing programs and reducing barriers that exist to providing services to children throughout the state;
- ways in which existing services can work together;
- ways to encourage the use of farm products in Montana schools and other facilities in which children are the primary users;
- state- and federal-level policy changes needed to increase participation and improve on existing programs;
- the strategic use of public funds to raise awareness about childhood hunger in Montana; and
- ways to measure the progress of existing and proposed efforts are making toward ending childhood hunger.

SB 73 Terry Murphy

Allow state-operated health care facilities with spec ed to establish max age

Chapter: 44 Effective Date: 10/1/11

SB 73 amends sections 20-7-401 and 20-7-411, MCA to align the special education obligations of school districts and those of state-operated adult health care facilities. The obligations for school districts remain unchanged. The health care facilities will now meet the same obligations that are defined in law for school districts.

The state-operated adult health care facilities providing special education services to residents are the Montana State Hospital, the Montana Developmental Center, the Montana Mental Health Nursing Care Center, and the Montana Chemical Dependency Treatment Center.

The revision offers the facilities the possibility of coordinating services with the resident's school district of residence, a local high school district, or both. It also assures the districts affected will be part of the planning process in meeting the resident's special education needs.

SJ 30 Jonathan Windy Boy
Interim study of ways to reduce childhood trauma

SJ 30 requests that the Legislative Council designate an interim committee to study promising and evidence-based practices for the prevention of childhood trauma and for mitigating its effects on children.

Study efforts should include:

- compiling data on the prevalence of acute and chronic childhood traumatic stress;
- evaluating the extent and impact of current efforts in Montana to prevent childhood trauma and to mitigate its effects after it occurs;
- identifying promising and evidence-based practices that are most appropriate for Montana communities, particularly rural communities;
- identifying the communities most in need of prevention and mitigation efforts related to childhood trauma as a way to prevent physical and mental health problems, substance abuse and addiction, school failure, and involvement in the criminal justice system; and
- identifying any appropriate steps Montana policymakers may take to reduce childhood trauma in order to improve the mental health of Montanans.

The study will include representatives from the Department of Public Health and Human Services, the Office of Public Instruction, the mental health service area authorities and local advisory councils, groups involved in efforts to prevent childhood trauma, the Indian Health Service, Montana Indian tribes, and other interested parties as identified by the committee.

All aspects of the study, including presentation and review requirements, will conclude prior to September 15, 2012. The final results, including any findings, conclusions, comments, or recommendations of the committee will be reported to the 63rd Legislature.

ELECTIONS

HB 91 Pat Ingraham

Revise election laws

Chapter: 242

Effective date: 1/1/12

HB 91 makes several changes in election laws that affect school districts:

- clarifies that the package of voted ballots, detached stubs and unused ballots from an election may be opened by order of a proper official for a recount procedure or to process provisional ballots;
- clarifies that if an individual uses a driver's license to register to vote, it must be a Montana driver's license;
- clarifies that the prohibition on running for more than one public office does not apply to precinct offices under 13-38-201, MCA;
- provides that when a candidate withdraws from nomination, the candidate no longer has to state a reason for the withdrawal;
- clarifies that signature verification for absentee ballots can be done by comparing the signature on the absentee request or on the voter registration card;
- clarifies that rejected ballots are subject to the same sealing requirements as voted ballots;
- expands 13-15-112, MCA to allow a school board to designate more than one group of three election judges to act as ballot counting boards;
- requires a petition for a recount to be filed with the officer with whom the nominations for school district office were filed or with whom the school ballot issue was filed; and
- defines a "signature envelope" as the envelope that contains a secrecy envelope and ballot. This term replaces the term "return/verification envelope" throughout the election laws.

HB 99 Pat Ingraham

Generally revise laws relating to absentee ballots and mail ballots

Chapter: 101

Effective date: 1/1/12

The following changes in HB 99 apply to school elections:

- expands the places an elector is allowed to return an absentee ballot to include a polling place within the county or a designated mail election deposit box within the county for mail ballot elections. Current law already allows absentee ballots to be deposited with the election administrator or a special absentee election board, if applicable;
- in order to be counted, the elector must submit the absentee ballot by 8 p.m. on Election Day, except for an absent military or overseas voter using certain methods of transmission;

- clarifies a replacement ballot can be issued at the election office in certain cases of printing errors or omissions or if the original absentee ballot is destroyed, spoiled, lost, or not received by the elector, or alternatively, the individual may vote at the polling place;
- specifies the options for transmitting the replacement request form to the election administrator. The form must be submitted to the election administrator in person or by regular mail, email, or fax, by 8 p.m. on Election Day;
- clarifies that in a mail ballot election, the administrator follows mail ballot statutory procedures, rather than the procedures for absentee ballots for voters on the annual absentee list. In other words, in a mail ballot election, ballots are not automatically mailed just to people on the annual absentee list, but to everyone who is eligible for a mail ballot;
- clarifies that if no signature is provided or the signature provided cannot be verified, the election administrator must follow a statutory procedure, including prompt notification stating the process whereby the elector can affirm or provide the signature or proof of identity. If the elector fails to provide the required information, the ballot is treated as provisional;
- clarifies if an absentee ballot is returned to the election administrator as undeliverable, the election administrator must investigate the reason for the return and must either redeliver the ballot if the elector provides a correct mailing address, or issue a replacement ballot;
- revises the requirement in 13-15-201, MCA, to reject an absentee ballot if the envelope contains more than one voted ballot. The criteria for valid and invalid absentee ballots are listed;
- replaces the term "return/verification envelope," in 13-19-102, MCA, with the term "signature envelope;"
- clarifies that both active and provisionally-registered electors are provided mail ballots in a mail ballot election. County election administrators will provide these lists, but school clerks should ensure that proper procedures are followed for any provisionally-registered electors;
- clarifies 13-19-301, MCA to indicate the elector voting by mail must include in the secrecy envelope only one ballot for each election being held; and
- amends 13-19-308, MCA, to require procedures for logging ballots deposited in places other than the election administrator's office. The bill specifies that the procedures for mail ballots returned to the election administrator's office are in 13-13-241, MCA.

HB 327 Edie McClafferty

Revise school administration laws

Chapter: 271 Effective date: 4/4/11

HB 327 makes several changes in election laws that affect school districts:

- establishes the deadline for which a candidate for trustee in a school election may withdraw from the election. A candidate who wishes to withdraw from the election must send a statement of withdrawal to the district clerk not less than 38 days before the election. Filing fees paid by the candidate may not be refunded;

- clarifies that newly elected trustees shall qualify for office by taking an oath of office administered by the county superintendent, the superintendent's designee, or any official provided for in 2-6-101 or 2-16-116, MCA. The oath must be filed with the county superintendent;
- clarifies that trustee elections held in a single-member district (20-3-338, MCA) or a trustee nominating district (20-3-353, MCA) are separate trustee elections for the purpose of declaring the election by acclamation under the provisions of 20-3-313, MCA;
- changes the date the trustees must meet after the election to organize from the third Saturday in May to 15 days after the election; and
- eliminates the maximum rate of interest language on the notice of bond election and on bond election ballots. Clarifies that the approval or rejection of a bond election conducted by mail ballot and held on a regular school election day is determined based on a majority of the votes cast on the issue, not on voter turnout requirements.

HB 484 Carolyn Squires

Clarify receipt of absentee ballots for subsequent elections is not permanent

Chapter: 111 Effective date: 4/1/11

HB 484 clarifies that an absentee list is not a "permanent" list. Based on current procedures used by election administrators to confirm absentee voter lists, a voter will be removed from the list in certain cases and may subsequently request an absentee ballot for an election.

HB 530 Ted Washburn

Allow counties to prepare mail ballots before election day

Chapter: 331 Effective date: 10/1/11

HB 530 changes sections of law regarding election administrators' duties for dealing with the receipt of absentee ballots. (NOTE: The title says "mail ballots" but this bill applies to absentee ballots.)

This bill allows election officials to prepare an absentee ballot by opening a secrecy envelope in the presence of a poll watcher and placing the ballot in the secured ballot box not sooner than one business day before election day. The ballot will be tabulated on election day.

SB 55 Larry Jent

Implement the federal military and overseas empowerment act

Chapter: 190 Effective date: 4/15/11

SB 55 amends Title 13, MCA to better implement the federal military and overseas voter empowerment act.

Section 13-13-205, MCA is amended to read that a ballot requested pursuant to Title 13, Chapter 21, must be sent to the elector as soon as the ballot is printed or at least 45 days in advance of an election held in conjunction with a federal primary election, federal general election, or federal special election.

Section 13-21-201, MCA is amended to read that a registration application using a federal post card application or the federal write-in absentee ballot transmission envelope must be considered a simultaneous application for absentee ballots under 13-21-210, MCA. If the registration application is transmitted electronically and the required identification is included, the application is not required to be signed.

Section 13-21-210, MCA is amended to read that a United States elector may apply for a regular absentee ballot by making an electronic request that includes the elector's birth date and affirmation of the voter's eligibility to vote under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq.

An application under this section is valid for all federal, state, and local elections in the calendar year in which the application is made. However an elector may request to be mailed an absentee ballot for each subsequent election in which the elector is eligible to vote or only for each subsequent federal election in which the elector is eligible to vote for as long as the elector remains eligible to vote and resides at the address provided in the initial application.

An elector who fails to provide required address confirmation will be removed from the absentee list. An elector who is removed from the list will continue to receive absentee ballots during the period covered in their initial application under this section. The county election administrator will provide a regular absentee ballot for the elections as soon as the ballots are printed, but not later than 45 days before a federal primary election, federal general election, or federal special election.

EMPLOYMENT RELATIONS

HB 43 Gary MacLaren

Clarifying employer's rights related to employee use of medical marijuana

Chapter: 315 Effective Date: 5/6/11

HB 43 clarifies employer rights related to workers compensation, drug testing, and disciplinary action involving an employee's medical use of marijuana; expands the types of employees covered by the workforce drug and alcohol testing act; and creates exceptions to the protections of the medical marijuana act. The definition of "employee" is expanded under the Montana drug and alcohol testing law to include positions in which driving is any part of the individual's work duties and positions affecting public health. It was also amended to state that the term does not include an elected official who serves on a governing body of a local government. The change to the workers compensation act states that an employee is not eligible for benefits if the employee's use of alcohol or drugs, not prescribed by a physician, is the major contributing cause of the accident. If not a major contributing cause the use of marijuana does not increase or decrease a claim. Other major changes for employers are that they need not accommodate the medical use of marijuana in any workplace; may incorporate prohibitions on medical marijuana in contracts; and are not subject to wrongful discharge or discrimination complaints under state law.

HB 70 Mike Menahan

Revise laws relating to the public employees' retirement system

Chapter: 99 Effective Date: 7/1/11

HB 70 makes numerous changes to the Public Employees' Retirement System (PERS). The major changes include requiring a retired member to be terminated from employment for at least 90 days prior to returning to service as a working retiree. The definition of "termination of service" is clarified to state that "no written or verbal agreement exists between employee and employer that the employee will return to covered employment in the future." Therefore, a member with such an agreement is not eligible to retire. The act also requires PERS and the Teachers' Retirement System (TRS) to exchange information, regarding members, former members, and retirees, that could not be exchanged previously due to constitutional privacy provisions. Another change states that banked holiday lump sum payouts are not considered compensation for the purposes of calculating retirement benefits. Section 19-3-319(2), MCA is amended to maintain the state's contribution from the general fund to the pension trust fund of 0.27% of the compensation paid to all employees of school districts.

HB 80 Elsie Arntzen**Revise unemployment insurance law****Chapter: 123 Effective Date: 10/1/11**

HB 80 clarifies and changes benefit charging for employer Unemployment Insurance accounts. Both reimbursable and governmental employers will be charged for benefits resulting from claims filed by former employees separating under specific conditions. The specific types of claims that will result in employers being charged include: victims of domestic violence, quitting a job to follow a military spouse, and employees returning from military service.

HB 86 Franke Wilmer**Revise teachers' retirement system laws****Chapter: 59 Effective Date: 7/1/11**

HB 86 is the housekeeping bill for the Teachers' Retirement System (TRS). The amendments were intended to more uniformly use defined terms where applicable, to move substantive law from the definitions section to the substantive provisions of Title 19, Chapter 20, and to clarify how current substantive provisions are applied by the retirement system. "Average final compensation" is redefined as a member's highest average earned compensation in 3 consecutive years, determined pursuant to 19-20-805, MCA on which contributions were made. HB 86 redefines "earned compensation" to allow for reciprocation with the Montana Public Employees' Retirement Administration to share retiree information regarding covered employment; and to make a number of changes surrounding family law orders. Several modifications were also made in certain period and life allowances. Requirements for reporting obligations of a retired member were updated; the definition of "covered employment" is expanded to include independent contractors; and changes were made to sections regarding the death of a retiree and death benefits.

HB 95 Walter McNutt**Generally revise the Montana Human Rights Act-Indian preference-subpoenas-attorney fees****Chapter: 205 Effective Date: 4/18/11**

HB 95 amends the human rights act to allow an Indian employment preference on or near a reservation. The Equal Employment Opportunity Commission (EEOC) had already allowed for this and the Montana Human Rights Act was amended similarly.

HB 116 Pat Ingraham**Tighten actuarial controls to improve actuarial funding of Teachers' Retirement****Chapter: 151 Effective Date: 7/1/11**

HB 116 makes two major changes that will impact funding of the Teachers' Retirement System. The first requires payment of the actuarial interest rate for purchases of service. The second uses current actuarial factors for reductions to early retirement benefits. HB 116 also expands the liability for employers failing to report or inaccurately reporting time worked or compensation paid to a working retiree. Another change states that if a retiree is working in a position reportable to the retirement system and, at the same time, working in another position not reportable, the combined earnings of both positions shall be reported to the retirement system.

HB 122 Sue Malek**Provide for benefit and funding changes to Public Employees' Retirement System****Chapter: 369 Effective Date: 7/1/11**

Under HB 122, employers and new employees will contribute 7.9% to the Public Employees' Retirement System (PERS) for employees hired after July 1, 2011. Also for new hires:

- eligibility for early retirement changes to 55 with five years of service;
- normal retirement age changes to 65 with five years of service;
- the highest average compensation used to calculate the retirement benefit will be based on five years;
- the multiplier for new hires changes to 1.5% if less than 10 years service, 1.785% for service between 10 and 30 years and 2% if service is greater than 30 years.

HB 122 includes a few changes that will affect current members. Current PERS members are still eligible for early retirement at age 50 or after 25 years of membership service, however effective October 1, 2011, early retirees will be calculated using existing actuarial factors. Effective July 1, 2011, working retirees who have returned to work for an employer in one position subject to PERS and another not, the hours worked in both positions will count towards the retiree limit; also if the employer fails to report a working retiree timely or accurately, both the employee and the employer are liable for repayment of retirement benefits paid to a working retiree inappropriately.

SB 81 David E. Wanzonried**Revise commercial driver's license provisions****Chapter: 296 Effective Date: 1/30/12**

SB 81 brings Montana into conformance with Federal Motor Carrier Safety Regulations, which require interstate commercial driver's license (CDL) holders to provide and update the status and

expiration date of a current medical examiner's certificate(s). This legislation is relevant for school districts because school bus drivers hold CDLs.

CDLs are issued for a period of 5 years, but the medical certification on the CDL only lasts 2 years. This will result in an overlap requiring renewal action by the CDL holder to meet the newer medical certification requirements. The Motor Vehicle Division of the Montana Department of Justice will send notices to alert the holder of a commercial driver's license when the CDL medical certification is about to expire. Expiration of the CDL medical certification will result in the CDL being downgraded.

SB 342 Edward Buttrey

Define misconduct for unemployment insurance laws

Chapter: 98 Effective Date: 10/1/11

SB 342 defines misconduct with respect to unemployment insurance. "Misconduct" includes but is not limited to the following conduct by an employee:

- willful or wanton disregard of the rights, title, and interests of a fellow employee or the employer;
- deliberate violations or disregard of standards of behavior that the employer has the right to expect of an employee;
- carelessness or negligence that causes or is likely to cause serious bodily harm to the employer or a fellow employee; or
- carelessness or negligence of a degree or that reoccurs to a degree to show an intentional or substantial disregard of the employer's interest.

The term does not include:

- inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;
- inadvertent or ordinary negligence in isolated instances; or
- good faith errors in judgment or discretion.

GOVERNANCE

HB 120 Tom McGillvray

Provide for audio minutes as official minutes

Chapter: 65 Effective date: 10/1/11

HB 120 amends 2-3-212, MCA, to provide that audio recordings of public meetings may be designated as the official record of the meeting, and if so designated, must have a log and time stamp for each main agenda item. Even with an official recording, written minutes of the meeting must also be made and include such things as time, date, place of the meeting, attendance, votes, etc.

HB 142 Diane Sands

Require interim committee's review of reports and advisory councils for sunset

Chapter : 126 Effective Date: 10/1/11

HB 142 requires interim legislative committees to review statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210, MCA. If a report to the legislature is available electronically, the entity submitting the report must include its location on the internet.

HB 204 Daniel Salomon

Allow any school board trustee of certain districts to preside over board

Chapter: 14 Effective date: 10/1/11

HB 204 provides for any school board trustee of a combined school board to become chair of that board. It restricts a board chair in this circumstance from voting on issues not specific to the district that the board chair represents.

In particular, where a board is made up of trustees that represent both an elementary and a high school district and a trustee on this same board represents only the high school district, this trustee representing only the high school district can become the chair of the entire board which was prohibited in the past.

HB 288 Diane Sands**Addressing residency for out-of-district students****Chapter: 211 Effective Date: 7/1/11**

HB 288 amends 1-1-215, MCA to state that a child living with a court-appointed legal guardian or caretaker relative (20-5-502) is a resident of the district in which the guardian or care-taker relative resides, not the district in which the child's parent(s) resides.

The bill amends 20-5-321, MCA striking reference to caretaker relatives. This clarifies that out-of-district enrollment policies or laws no longer apply to determining residency and enrollment of these students, as they will be in-district for the purposes of enrollment.

A caretaker relative may enroll a child in school if the caretaker relative is unable to contact the child's parents or the parents are "unable or unwilling to regain custody of the child." However, as per 20-5-502(2)(a) and (b), MCA, it is still not legal for a caretaker relative to enroll a child primarily for the purpose of attending a particular school or participating in athletics at a particular school.

To address concerns about students with behavior problems at a previously attended school, the bill clarifies that:

" If the child was subject to formal disciplinary action, including suspension or expulsion, at the child's previous school, the school district in which the caretaker relative seeks to enroll the child may either implement the previous school district's disciplinary action without further due process or hold a hearing and determine whether the student's conduct in the previous school district merits denial of enrollment. If the district decides to enroll the child, then the school district may require the child to comply with a behavior contract as a condition of enrollment."

For the purposes of special education students, this does not release a district from complying with applicable laws and regulations for enrolling a student with a current individualized education plan and all other special education requirements.

HB 288 amends the template for the caretaker relative affidavit in 20-5-503, MCA and deletes language in the affidavit form which previously required the caretaker relative to swear that they were unable to locate or contact the parents of the child to notify the parents of their intended authorization, or that the parents refused to regain custody of the child even though the caretaker relative asked in writing that the parents do so.

The financial responsibility for a special education student follows the student's residency under 1-1-215, MCA .

HB 562 Elsie Arntzen**Require notification of county and schools of urban renewal district****Chapter: 376 Effective Date: 10/1/11**

HB 562 requires a municipality to consider effects on county and school districts in the preparation, adoption and revision of comprehensive development plans and urban renewal project plans. Any plan or ordinance proposed for creation or modification to provide tax increment financing must be proposed with consideration for the effect on county and school districts that are included within the municipal territory.

HB 642 Mark Blasdel**Create select committee on efficiency in government—members -- duties****Chapter: 380 Effective Date: various**

HB 642 creates a 12-member select legislative committee on efficiency in government. The committee's duties include:

- identifying states that have implemented a priority budgeting system;
- analyzing the approaches taken by the states identified to implement a priority budgeting system, the types of performance measurement used by the states, how decision matrices are developed and implemented to set priorities, and the results experienced;
- documenting long-term issues that will affect Montana's budget in the future, including federal mandates, the potential of less federal funding, and the implications of funding public employee retirement plans and other obligations owed by the state;
- in the context of anticipated, long-term pressures on the state budget, investigating and documenting the advantages of the several states' priority budgeting systems as compared to the baseline budgeting system used by Montana; and
- focusing its attention on ascertaining the efficiency and effectiveness of state activities in three general areas identified in the bill.

The three general areas of state activities on which the committee is directed to focus are health care, particularly matters of access, delivery, and affordability; technology, particularly matters of availability, access, development, deployment, use, and integration; and natural resources, particularly incentives for and impediments to development, adding value, transporting, and conservation.

In order to ensure that state resources are being used effectively and efficiently, the committee may evaluate the coordination of projects and programs within the state including the sharing, distribution and interaction of resources within state government. If the committee determines that the legislative purpose of a specific project is not being accomplished in an efficient and effective manner, the committee will report the basis of the determination and recommend, with proposed legislation, a statutory solution to achieve the legislative purpose or terminate the project or program.

The committee will also look at the avenues for public participation in state projects and programs. These avenues include adequacy of public notice and opportunity for comment and participation in project or program design or administration, the transparency of project or program design and implementation; and evaluate the implementation and integrity of projects and programs. Another goal of the select committee is to prevent or eliminate duplication and waste.

The committee will report its findings, conclusions, and recommendations to the Governor and the 63rd Legislature and prepare draft legislation whenever appropriate.

SB 120 John Brenden

Require publishing of appointed members to all state agency boards

Chapter: 236 Effective Date: 7/1/11

SB 120 calls for certain information about members of state agency boards, committees, commissions, and advisory councils of the executive, legislative, or judicial branch to be included in official reports and posted on each group's website.

The board, committee, commission, or advisory council shall publish the name of each member; an address, telephone number, or e-mail address for each member; and the term of each member, including the date that the member's term expires. This information must also be available on a website. These requirements do not apply to administrative documents, such as memoranda or letters.

SB 208 Ron Erickson

Allowing Saturday school in K-12 schools

Chapter: 193 Effective Date: 10/1/11

SB 208 amends 20-1-303, MCA to allow Saturday school in K-12 schools and requires that student attendance is voluntary. This amendment also states that Saturday is not a pupil-instruction related day and does not count toward minimum aggregate hours of pupil instruction provided for in 20-1-301, MCA.

SB 338 Ron Arthun

Revise laws regarding certain officials and public service announcements

Chapter: 386 Effective Date: 10/1/11

SB 338 enacts restrictions for state officers, which are punishable, regarding reporting on the expenditures of state funds for public service announcements. State officers are not permitted to use or allow the use of state funds for any advertisement that contains their name, picture or voice except in the case of a state or national emergency and the announcement is reasonably necessary to the state officer's official functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the

office or position to which the state officer was elected or appointed. If the commissioner of political practices determines that a violation has occurred, the commissioner may impose an administrative penalty of not less than \$500 or more than \$10,000.

The approving authority for a state agency is required to annually report to the legislative finance committee by September 15 information which includes all expenditures made by the agency in the preceding 12 months that are related to the production and distribution of public service announcements.

SJ 26 Dave Lewis

Study resolution for interim monitoring activities recommended by Joint Subcommittee

SJ 26 recommends interim monitoring activities of various state agencies by legislative, administrative, and interim committees as recommended by the Joint Appropriation Subcommittees.

The legislative interim committees will monitor K-12 education and the progress on:

- implementing state actions to create a culture of effective data use and improve student performance; and
- goals and objectives on K-12, higher education, and P-20, including the role and mission of the Education and Local Government Interim Committee, which absorbed the Joint Committee on Postsecondary Education Policy and Budget that was repealed in 1999.

All aspects of the study are to be concluded prior to September 15, 2012, and the final results of the study are to be reported to the 63rd Legislature.

SR 13 Ryan Zinke

Confirm certain Governor appointees to Boards of Regents and Public Education

SR 13 provides senate confirmation of the Governor's appointments to the Board of Public Education and the Board of Regents.

Board of Public Education, in accordance with section 2-15-1508, MCA:

- Erin Williams, Missoula, Montana, for a term ending February 1, 2017;
- Doug Cordier, Columbia Falls, Montana, for a term ending February 1, 2013;
- Lila Taylor, Busby, Montana, for a term ending February 1, 2018.

Board of Regents, in accordance with section 2-15-1508, MCA:

- Angela McLean, Anaconda, Montana, for a term ending February 1, 2017;
- Teresa Borrenpohl, Bozeman, Montana, for a term ending June 30, 2011.

HIGHER EDUCATION

HB 638 Dave Howard

Referendum to require proof of citizenship to receive state service

Chapter: 308 Effective date: If approved by the electorate, January, 2013

HB 638 provides for a ballot referendum to be submitted to the qualified electors of Montana to deny certain state-funded services to illegal aliens. The prohibition would include participation in the Montana University System and access to student financial assistance.

SB 280 Taylor Brown

Authorize Commissioner of Higher Ed to develop self-insured student health plan

Chapter: 199 Effective Date: 10/1/11

SB 280 establishes the structure by which the Montana University System (MUS) may develop a self-insured student health plan, to work in conjunction with available campus student health services for enrolled students of the MUS and their dependents, including students of a community college district, and to clarify that the plan is not regulated by or subject to the provisions of Title 33.

The Commissioner of Higher Education may, subject to the approval of the Board of Regents, finance the initial costs to establish the plan by using any of the following methods:

- long-term loan of university funds;
- issuing and selling bonds and notes; or
- any other lawful means, including the assessment of student fees.

SB 355 Bradley Hamlett

Establish a Montana university assistance program for private donations

Chapter: 202 Effective Date: 7/1/11

SB 355 establishes the Montana University System Assistance Program to be funded through tax deductible donations and administered by the Board of Regents through the Commissioner of Higher Education. Procedures and forms will enable a donor to make contributions by cash, check, or money order for the benefit of a specific qualifying institution. If a donor does not select an institution, the donation must be allocated on an equal basis to all qualifying institutions by dividing the total donation by the number of qualifying institutions. SB 355 creates a Montana University System Assistance account. All donations must be from a private source and may not be expended for any purpose other than for the benefit of qualifying institutions. Proportionate earnings from this account shall be distributed in proportion to each qualifying institutions' share of the account balance.

SB 385 Mary Caferro**Provide for parents as scholars program****Chapter: 287****Effective Date: 4/28/11**

SB 385 amends 53-4-209, MCA to allow an individual receiving Temporary Assistance for Needy Families (TANF) easier and broader access to educational opportunities. Vocational education is added to the list of acceptable programs for the continuation of education. Participants must be full-time students. This now includes high school, GED programs, and vocational training programs. Progress requirements to continue in the program are amended as well. Child care assistance is also provided and other language in the law is amended to match the program's goals and target population.

SJ 8 Bob Hawks**Resolution on urban-rural divide study by U-system**

SJ 8 urges the Board of Regents and the Commissioner of Higher Education to conduct a study that:

- examines the nature of the rural and urban divide in Montana;
- requires the collection and analysis of data concerning Montana's rural and urban demographics;
- brings urban and rural interest groups, stakeholders, and policy analysts together to share information and discuss ways to build partnerships and to develop action plans for moving Montana toward a more inclusive format in rural and urban affairs; and
- explores the feasibility of conducting a pilot project and establishing and funding a rural-urban institute as part of the Montana University System that can provide ongoing research and analysis of rural and urban interdependence and facilitate ongoing strategic planning in the public and private sectors to overcome the rural-urban divide and move Montana forward as one Montana.

The findings and recommendations of the study will be presented to the Legislature's Education and Local Government Interim Committee before July 1, 2012.

SJ 11 Jim Peterson**Urge the board of regents to require post tenure review for higher education**

SJ 11 urges the Board of Regents to require ongoing post tenure review for Montana university teachers, and to require university presidents or chancellors to report to the Board of Regents on the process at their institutions. SJ 11 urges the Board of Regents to study the advantages and disadvantages of post tenure review and to report to the Education and Local Government Interim Committee on the findings of the study no later than August 15, 2012, as to the implementation and progress of the post tenure review process.

SAFETY

HB 208 Jeffery Wellborn

Revise law on providing and accessing student information

Chapter: 15

Effective date: 3/16/11

HB 208 requires high schools to provide contact information to the Montana Youth Challenge program on a semi-annual basis for students who have dropped out of school. By November 1 and March 1 of each school year, a high school shall prepare a report to the director of the Montana Youth Challenge program that contains the name, last-known address, and dates of attendance of a student who is at least 16 years of age but less than 19 years of age; was enrolled but is no longer enrolled in a school in the district; has not provided school transfer or graduation information to a school in the district; and has not received a high school diploma or general educational development (GED) certificate.

The reporting high school needs to provide written notice to the parent or guardian of the student that they intend to provide the report to the director of the Montana Youth Challenge program. The parent or guardian or the student must be given the opportunity to object to the planned disclosure of the information. If the parent or guardian or the student fails to respond to the notice within 30 days, the high school shall forward the report to the director of the Montana Youth Challenge Program.

SCHOOL FINANCE

HB 41 Wayne Stahl

Amend law relating to designation of local government auditor

Chapter: 146 Effective date: 10/1/11

HB 41 amends 2-7-506, MCA to allow, rather than require, the Montana Department of Administration to designate an auditor when a local government fails to contract an auditor within 90 days of receiving the Department's notice stating an audit is required. The change was requested by the department to allow the staff more flexibility in addressing delays in school district, city/town and county audit contracts.

HB 123 Edie McClafferty

Revise county and school district budgeting timelines

Chapter: 152 Effective date: 4/8/11

HB 123 revises several deadlines related to the process for adopting school district budgets and setting tax levies. The process involves several stakeholders, including school trustees, school district clerks, county superintendents, county treasurers, the Department of Revenue (DOR) and the Office of Public Instruction (OPI). The changes are effective for FY 2012.

By July 20 of the fiscal year, the county treasurer must provide bond, endowment fund and cash balances information for the school trustees' financial summary (TFS) and cash balances for county school funds supported by countywide levies.

OPI must allocate the statutory appropriation for the technology fund by the third Friday in July, as provided in 20-9-534, MCA.

The district clerk must publish one notice of the final budget meeting between July 1 and August 10. The trustees must meet to consider all budget information on or before August 20, adopt the final budget not later than August 25 and deliver the adopted budget, including amounts to be raised by tax levies, to the county superintendent within 3 days of final approval.

A joint school district must submit annual fiscal reports and adopted budgets to the county superintendent of each county in which part of the joint district is situated. The county superintendent receiving the budget of a joint district computes the estimated budgeted revenue and determines the number of mills that need to be levied in the joint district for each fund. The county superintendent in the non-located county submits information to the county superintendent in the located county.

By the first Tuesday in September, the county superintendent reports school district levy requirements to the county commissioners. The county commissioners must fix tax levies for school districts, including

joint school districts and community colleges by the first Thursday in September. In both cases, if the DOR delivers taxable value information after August 1, the deadline is extended to within 30 calendar days after receiving certified taxable values, whichever is later.

On or before September 15, the TFS and final budget information must be submitted to OPI via the MAEFAIRS electronic reporting system. In addition, the county superintendent must report to OPI the revenue amounts used to establish the levy requirements for county school funds supporting the elementary and high school retirement and transportation obligations.

By the later of the second Monday in September or within 30 calendar days after receiving certified taxable values, the county clerk and recorder reports the number of mills needed to be levied for each taxing jurisdiction in the county to the DOR.

By the second Monday in October, the DOR computes taxes, fees and assessments to be levied against the property and notifies the county clerk and recorder and the county treasurer. However, if the county clerk and recorder fails to notify DOR of the number of mills in a timely manner, as required in 15-10-305(1), MCA, the DOR has additional time equal to the number of days the information was received late.

HB 538 Ken Peterson

Providing for sale of bonds at public or private sale

Chapter: 253

Effective date: 4/22/11

HB 538 allows local governments, including school districts, to sell bonds at a private sale as well as a public sale. Only public sales were previously allowed. The purpose for allowing private sales is to provide local governments greater flexibility to negotiate bond rates, provide flexibility to expedite bond sales to financial institutions and other private buyers, and provide potential cost savings on bond issues.

HB 604 Rob Cook

Provide for fund transfers to various accounts

Chapter: 312

Effective date: 5/4/11

HB 604 provides transfers among various state funds and accounts. HB 604 affects K-12 school funding because the state will transfer \$27.4 million into the guarantee account established under 20-9-622, MCA from:

- Motor Vehicle Recycling and Disposal Account (75-10-532, MCA) \$2.5 million
- Orphan Share Account (75-10-743, MCA) \$4.4 million
- Coal Bed Methane Protection Account (75-15-904, MCA) \$8.5 million
- Board of Oil and Gas Conservation Account (82-11-135, MCA) \$12.0 million

The guarantee account is statutorily appropriated, as provided in 17-7-502, MCA, for distribution to school districts through school equalization aid as provided in 20-9-343, MCA and is used to offset the funding appropriated from the general fund in HB 2. That is, the state's general fund obligation for school equalization aid in FY 2012 is reduced by the same amount that the guarantee account balance is increased.

SB 12 Ron Erickson

Repeal obsolete business equipment property tax reimbursement

Chapter: 116 Effective Date: 4/1/11

SB12 repeals section 15-1-112, MCA, which provided a reimbursement to local governments for a business equipment tax rate reduction enacted in 1995. The reimbursements have expired and repealing the section has no impact on schools or other local governments.

SB 219 Gary Branae

Revise laws relating to property tax protest

Chapter: 261 Effective date: Various

SB 219 limits the protested property taxes that can be waived by school districts to property of “centrally assessed” firms under 15-23-101, MCA, and industrial property that is assessed annually by the Department of Revenue (DOR). If the right to the protested tax settlement is waived, a school district can receive a recalculation of its guaranteed tax base aid (GTB). Under current law, a district can waive the right to all protested taxes and receive a recalculation of its GTB payment. Current law only permits a district to access the protested taxes of centrally assessed property in the first year of the protest, all other protested property taxes can be accessed no sooner than the second year of the protest.

The impacts of this law on a school district's ability to demand distributions become effective October 1, 2011. Other sections of the bill implement timelines for the related calculations of guaranteed tax base subsidies for schools districts that opt to waive receipt of protested taxes.

SB 329 Ryan Zinke

Generally revise K-12 laws

Chapter: 418 Effective date: various

SB 329 contained the following changes to school funding laws:

K-12 BASE AID

- Increases the basic and per-ANB entitlements by 1% in FY 2012 and by 1.6% in FY 2013. The basic and per-ANB entitlements are set as follows:

<u>Entitlement</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
Elementary Basic	\$ 23,257	\$ 23,033	\$ 23,402
Middle School Basic	\$ 65,863	\$ 65,231	\$ 66,275
High School Basic	\$258,487	\$256,003	\$260,099
Elementary Per-ANB	\$ 5,003	\$ 4,955	\$ 5,034
High school Per-ANB	\$ 6,405	\$ 6,343	\$ 6,444

School Facility Reimbursements

- Provides the school facility reimbursements under 20-9-371, MCA, are paid from the state's School Facility and Technology Account. Payments were previously made from the state general fund. The change does not affect the amount or distributions of money to eligible school districts.

School District Block Grants

- Eliminates the annual 0.76 % inflator for school district block grants provided in 20-9-630, MCA.

School District Budgets

- Limits the amount of unreserved fund balance that a district may reappropriate to fund the general fund budget to 15% of the maximum general fund budget, effective for school budgets for FY 2012 and after. In FY 2012, districts must remit the excess fund balance to the state general fund. Beginning in FY 2013, the excess funds must be remitted to the state where 70% goes to the state guarantee account provided in 20-9-622, 5% goes to the newly established state school oil and natural gas impact account, and 25% goes to the counties for deposit in a newly established county oil and natural gas impact fund in each affected county. (This provision terminates on June 30, 2016.)
- Limits the amount of oil and natural gas production taxes that a school district may receive to 130% of the district's maximum general fund budget. In FY 2012, the Department of Revenue will pay districts up to the limitation and deposit any amount in excess of the limitation to the state general fund. Beginning in FY 2013, the excess will be split among the state guarantee account (70%), the county school oil and natural gas impact fund (25%), and the state school oil and natural gas impact account. (This provision terminates on June 30, 2016.)
- Requires a school district receiving oil and natural gas production taxes to budget in the district general fund a minimum percentage of the total oil and natural gas production taxes received by the district in all funds in the prior year. The required minimum receipts to be budgeted are 25% for FY 2012, 35% for FY 2013, and 45% for FY 2014. For FY 2015 and subsequent years, districts must budget 55% of the prior year oil and natural gas production tax receipts. During the year, the oil and natural gas production taxes received by the district must be deposited in the general fund until the budgeted amount is reached. The school district may deposit any additional oil and natural gas production tax revenues it receives in any budgeted fund of the district. (This provision terminates on June 30, 2016.)

- Requires a school district to report to the Education and Local Government Interim Committee of the legislature if the district adopts a budget amendment that in combination with any other budget amendments exceeds 10% of the district's adopted general fund budget. The report must include an explanation of why the budget amendment is necessary.
- Allows the school district trustees to impose an over-BASE levy without voter approval if the levy amount does not exceed the over-BASE levy amount authorized by the voters in any of the previous five years.

Fund Transfers

- Allows a school district to make a one-time transfer of general fund money in excess of 15% of the FY 2011 general fund budget that is not needed to fund the general fund to any budgeted fund of the district. The transfer must be made by June 30, 2011.
- Repeals a provision under 20-9-201(3) that previously required trustees to deposit the balance of a discontinued tuition fund into the miscellaneous programs fund. When closing a tuition fund, the balance may be transferred to any fund the trustees consider appropriate.
- Trustees may hold an election to transfer tax money from one budgeted fund to another budgeted fund and use it for a purpose approved on the ballot. Previously, the trustees could transfer tax money after a public hearing but could only use tax money for a purpose allowed by the fund for which the taxes were levied. Trustees are prohibited from levying taxes to replace the money they transferred.
- Repeals a provision under 20-10-147 that previously required trustees to sell all of the district's buses and to obtain voter approval to close a bus depreciation reserve fund. When closing a bus depreciation reserve fund, the balance may be transferred to any fund the trustees consider appropriate.

State and County Impacts from Oil and Natural Gas Production

- Establishes a state school oil and natural gas impact account. The funds will be distributed by the State Superintendent to applicant school districts that do not receive oil and natural gas production tax money but that are impacted by contiguous counties that benefit from oil and gas receipts. Applications will be awarded based on need and impacts, among other criteria.
- Establishes a county school oil and natural gas impact fund at affected counties. The funds will be distributed by the Department of Revenue to the affected counties for deposit into the fund. Counties may award money to school districts when a district receives 30% or less of the district's four-year average oil and natural gas production tax receipts; the average price of oil is \$50 or less for the fiscal year, or the production of oil in the county drops 50% or more below the county's five-year average production. Counties may retain 20% of the funds to pay outstanding capital project bonds or other expenses incurred prior to the reduction in price; to offset property taxes; to promote diversification and economic development in the county; to attract new industry; or to provide cash incentives for expanding the employment base in the impacted area.

Pathway to Excellence Program

- Establishes the Pathway to Excellence Program to promote educational excellence in Montana's public schools through data-driven decision making and to maintain a focus on continuous improvement and increased academic achievement for public school students.
- Requires the Office of Public Instruction (OPI) to develop on its website an educational data profile for each district, which contains:
 - school district contact information and links to district websites, when available;
 - state criterion-referenced testing results;
 - program and course offerings;
 - student enrollment and demographics by grade level; and
 - graduation rates.
- Requires each school district to annually report to the OPI and post on its website the following district information for the previous school year
 - the number and type of employee positions, including administrators;
 - the total amount of compensation paid to each school district employee by the district, including the employee's base wage or salary, overtime pay, and other income from school-sanctioned extracurricular activities, including coaching and similar activities; and
 - the certification held by and required of each employee;
 - the student-teacher ratio by grade;
 - the amount spent by the district for operation and maintenance, stated in total cost and cost per square foot;
 - the amount of principal and interest paid on bonds;
 - the total district expenditures per student;
 - the total budget for all funds;
 - the total number of students enrolled and the average daily attendance;
 - the total amount spent by the district on extracurricular activities and the total number of students that participated in extracurricular activities; and
 - the number of students that entered the 9th grade in the school district but did not graduate from a high school in that district and for which the school district did not receive a transfer request.
- Requires each school district to post on its website a copy of every working agreement the district has with any organized labor organization and the district's costs, if any, associated with employee union representation, collective bargaining, and union grievance procedures and litigation resulting from union employee grievances.
- Requires the Office of Public Instruction to implement a data collection plan to reduce redundant data requests, increase access to and use of data from centralized data systems, and promote transparency in reporting to schools, school districts, communities, and the public.
- Requires the OPI to gather, maintain, and distribute longitudinal, actionable data in the 10 essential data areas identified by the Data Quality Campaign.
 - statewide student identifier;
 - student-level enrollment data, including average daily attendance;
 - student-level statewide assessment data;

- information on untested students;
 - student-level graduation and dropout data;
 - ability to match student-level K-12 and higher education data;
 - a statewide data audit system;
 - a system to track student achievement with a direct teacher-to-student match to help track, report, and create opportunities for improved individual student performance;
 - student-level course completion data, including transcripts, to assess career and college readiness; and
 - student-level ACT results, scholastic achievement test results, and advanced placement exam data.
- By June 30, 2013, the OPI must begin presenting longitudinal data on academic achievement and develop plans for measuring growth based on the statewide student assessment.

Multidistrict Cooperatives

- Allows cooperative purchasing contracts between school districts to purchase supplies and services without complying with bid requirements if the group maintains an updated, publicly available master list of supplies and vendors. The group must allow vendors to compete twice yearly for inclusion on the master list.
- Authorizes two or more school districts to create a multidistrict cooperative to perform any services, activities, and undertakings of the participating districts.
- Members of multidistrict cooperatives may transfer moneys from any budgeted funds of the district to the prime agent (host) district of the cooperative for deposit into the interlocal agreement fund. Moneys must be used for the same purpose as the fund from which the transfer is made, and transfers must be made within the budget of the transferring fund(s). Districts may not tax to replace the funds transferred to a multidistrict cooperative.
- SB 329 and HB 2 appropriated a total of \$2 million for the biennium for one-time payments to districts participating in multidistrict cooperatives as of December 31, 2012. Payments will be allocated to districts based on the proration of each district's FY 2013 BASE budget to the total of BASE budgets for all districts participating in multidistrict cooperatives. Funding may be, but is not required to be, used to fund cooperative efforts.

Montana Digital Academy

- Changes the name of the Montana Virtual Academy to the Montana Digital Academy (MTDA).

SB 372 Bruce Tutvedt

Lower business equipment tax -- phase more reduction on state economic growth

Chapter: 411 Effective date: 7/1/11

SB 372 reduces the property tax rate applied to class eight business equipment from 3% to 2% on the first

\$2 million of taxable market value beginning January 1, 2012. For future tax years, the tax rate is contingent on growth in revenue collected from individual income taxes and corporate income taxes. Once the revenue collected from individual and corporate income taxes exceeds the revenue collected from these sources in the previous fiscal year by 4%, the tax rate for the first \$3 million of taxable market value is lowered from 3% to 1.5%. The tax rate remains at 3% for all taxable market value in excess of \$3 million.

The Department of Revenue is responsible for calculating the property tax reimbursements for local governments, school districts, the county retirement fund, and the countywide school transportation fund. The Office of Public Instruction will distribute the reimbursements to school districts by November 30 along with the other school block grants in 20-9-630, MCA. The distributions to the county retirement fund will be made in November and May. The distributions to the county transportation fund will be made at the same time as county transportation block grants are distributed under 20-9-632, MCA.

School districts and county superintendents must anticipate the property tax reimbursements when calculating the net levy requirements for school district and county school funds.

The reimbursements are statutorily appropriated for FY 2012 and FY 2013 from the general fund to the Office of Public Instruction for distribution to school districts. In subsequent years, the block grants will be appropriated by the legislature.

SB 376 Bob Lake

Revise local government laws to expand maturity date limitations on investments

Chapter: 306 Effective date: 4/29/11

SB 376 extends the time limit on maturity dates of zero-coupon U.S. treasury bills, notes, and bonds used as security for school district construction bonds. SB 376 allows the maturity date to extend beyond five years when the investments are to be used to repay a balloon payment on qualified construction bonds under 17-5-116(1), MCA, if:

- the treasury bills, notes or bonds mature on or before the date the balloon payment; and
- the school district board of trustees provided written consent.

SJ 28 Bob Lake

Interim study resolution on performance-based funding for education

SJ 28 requests an interim study of a performance-based funding system for K-12 education and designates the Education and Local Government Interim Committee to:

- examine performance-based funding formulas for K-12 education used in other states;

- avail itself of resources like the National Conference of State Legislatures and the Council of State Governments;
- consider the primary components of a performance-based funding formula to include:
 - a retention component that would set aside a portion of available funds to be distributed to a district or school when they reach a defined performance level;
 - a bonus component that would set aside a portion of available funds to be used to induce and reward a district or school that met defined goals and objectives; and
 - a reduction component that would be a penalty to a district or school that fails to meet defined performance levels;
- design a performance-based funding formula or structure for K-12 education that recognizes and accommodates Montana's historical commitment to local control, highly qualified educators, high student achievement, and continual improvement in education outcomes; and
- develop for consideration by the 63rd Legislature a plan to implement the performance-based funding formula or structure for K-12 education.

The committee is directed to report its findings, conclusions, and recommendations, including a performance-based funding design and implementation plan, to the Governor, the Superintendent of Public Instruction, and the 63rd Legislature prior to September 15, 2012.

STATE LANDS

HB 107 Galen Hollenbaugh

Authorize collection of interest payments on unpaid coal royalties

Chapter: 243 Effective Date: 4/21/11

HB 107 fixes an oversight in the existing statute by authorizing the Department of Natural Resources and Conservation (DNRC) to assess interest on unpaid coal royalties. If production is underreported or there are discrepancies as to the calculation of royalties, the bill grants the DNRC the authority to charge interest on the portion of unpaid royalties for the period that the discrepancy endures. A similar provision already exists for oil and gas leases, and this bill simply extends the provision to coal leases. The bill further grants authority to the DNRC to commence an audit to check the accuracy of a lessee's report under 77-3-317, MCA.

HB 165 Roy Hollandsworth

Deposit certain trust land and river bed income to guarantee account

Chapter: 371 Effective Date: 7/1/11

HB 165 clarifies that state-owned riverbeds as defined in 77-1-102, MCA are public lands of the state held in trust for the people as provided in Article X, section 11, of the Montana constitution. HB 165 allocates income received from the leasing, licensing or other use of state-owned riverbeds and income from state land rentals for power sites to the guarantee account for state fiscal years 2012, 2013, and 2014. Beginning July 1, 2014, the income from state-owned riverbeds and power site rentals is allocated to the school facility and technology account provide for in 20-9-516, MCA.

HB 295 Rob Cook

Defining and recording wind energy rights

Chapter: 249 Effective Date: 4/21/11

HB 295 ensures that a wind energy right remains appurtenant to the surface right by providing that the wind right is not severable. The intent of the bill is to avoid the problems that have arisen due to the severability of mineral rights. It provides minimum criteria for establishment of lease agreements and terms for length of lease agreements. Wind developers are required to pay taxes and assume liability for any damages or injury to the property or third parties. HB 295 further provides that the mineral estate has priority over the wind estate.

HB 297 Tom Berry**Extend time frames to preserve historic rights of way for state lands****Chapter: 325 Effective Date: 10/1/11**

For the third time, HB 297 extends the sunset provision on recognition of historic rights of way across state lands codified at 77-1-130, MCA. The initial recognition was codified in 1997; this bill extends the sunset for that recognition to October 1, 2025. Most counties have purchased one or more legal easements from the state but the majority of these were never legally sited through the easement process and thus are not insurable by the title industry and threaten property values when private landowners attempt to transfer property. This statute recognizes the constitutional requirement to obtain fair market value but also recognizes that most counties are not currently in a financial position to purchase these easements.

HB 533 Tom Berry**Revise state coal leasing laws****Chapter: 332 Effective Date: 5/6/11**

HB 593 allows the State Land Board to determine fair market value by competitive bid or through an appraisal. It requires leases to be awarded by competitive bid unless no competitive bids are received. It allows the bonus bid for first year's rental to be amortized for a period of up to five years, at the discretion of the land board. Lessees may increase their cash deposit in lieu of providing a surety company bond as previously required by 77-3-313, MCA. The bill provides that if permits are challenged administratively or judicially, the primary term of the lease must be extended for the period of time that the lease or permit was subject to challenge. It removes the 640 acre limit on coal leases. It allows the land board to decide whether to issue a permit if underground mining would be adversely affected by strip mining. It provides that rental rate may be either per-acre or per-ton but not less than \$2 per acre.

SB 38 Bob Hawks**Revise laws related to state land trust interest and income revenue****Chapter: 93 Effective date: 7/1/11**

SB 38 requires the State Land Board to deposit the interest and income money for each fiscal year before the close of the fiscal year, which effectively adds a June deposit to the existing February deposit.

The bill also clarifies definitions of "distributable revenue" and "state trust lands" to be consistent with 20-9-620, MCA and ensures proceeds from royalties and sales go to the permanent fund.

SB 266 Alan Olson**Revise local coal tax gross proceeds tax abatement****Chapter: 406 Effective Date: 5/13/11**

SB 266 reduces the tax rate from 5% to 2.5% on coal produced from a new or existing underground mine for the first 10 years of coal production. The reduced rate applies to new mines for tax years beginning after December 31, 2011. The reduced rate applies to existing mines (in production prior to December 31, 2010) from January 1, 2011 through December 31, 2020.

A county may abate taxation for coal production from a new or expanding underground mine by 50% or less if the mine is taxed at the 5% rate for coal gross proceeds. However, a coal producer may not receive abatement while production is taxed at the 2.5% tax rate.

SB 409 Bruce Tutvedt**Revise methods to establish rental fees and sale of state land cabin sites****Chapter: 401 Effective Date: 5/12/11**

SB 409 provides for establishing fair market value on cabin site leases via either appraisal by the Department of Revenue (DOR) or use of an open competitive bidding process. It requires a minimum bid of 2% of the most recent cabin site appraisal value as determined by DOR. It requires the State to pay to the holder of a cancelled, terminated, or abandoned lease the value of the improvements made by the prior holder of the lease. It also requires the State Land Board to adopt rules to govern the sale of lease improvements.

SB 410 John Brenden**Expend PP&L Settlement on purchase of state lands****Chapter: 362 Effective Date: 5/9/11**

SB 410 provides that any funds recovered by the state as damages from the PPL v. Montana lawsuit for damages and past-due compensation for the use of state-owned riverbeds will be deposited into a public land trust acquisition account and that the State Land Board may use the funds to purchase property.

SB 412 Shannon Augare**Revise laws to temporarily exempt tribal fee land in trust land process****Chapter: 288 Effective Date: 1/1/12**

SB 412 provides a temporary exemption for property owned by a federally recognized Montana Indian tribe on January 1 if the United States Department of the Interior, Bureau of Indian Affairs has determined that the initial written request or trust application is complete and the tribe has submitted a timely tax

exemption application which is approved.

The temporary exemption applies only during the timeframe which a decision on the trust application is pending and may not exceed a period of five years. If the application is denied, the temporary exemption expires on December 31 of the year in which the trust application was denied and is no longer available for property associated with the application. Tribally owned property taken out of a trust by the United States is subject to tax as provided by federal and state law. This bill does not extinguish existing property taxes, including but not limited to taxes due and owing, delinquent taxes, tax liens, or tax deeds on property.

The Department of Revenue estimates there are approximately 100 properties with a pending application.

INDEX OF K-12 EDUCATION-RELATED BILLS

Bill	Sponsor	Short Title	Pass/ Fail	Category
HB 2	McNutt	General Appropriations Act	P	Appropriations
HB 3	Mehlhoff	Supplemental Appropriations	P	Appropriations
HB 4	Mehlhoff	Appropriations by budget amendment	P	Appropriations
HB 13	Hiner	State Employee Pay Plan	F	
HB 15	Schmidt	School facility grant program	P	Appropriations
HB 34	Schmidt	Split DPHHS Tobacco Settlement Fund	F	
HB 41	Stahl	Amend law relating to designation of local government auditor	P	School Finance
HB 43	MacLaren	Clarifying employer's rights related to employee use of medical marijuana	P	Emp. Relations
HB 53	Klock	Consolidate state employee benefit plan requirements	P	Emp. Relations
HB 70	Menahan	Revise laws related to public employees' retirement system	P	Emp. Relations
HB 75	McClafferty	Head start funding	F	
HB 80	Arntzen	Revise unemployment insurance law	P	Emp. Relations
HB 85	Wilmer	Require employer contributions on working retirees in PERS, SRS, FURS	F	
HB 86	Wilmer	Revise teachers' retirement system laws	P	Emp. Relations
HB 87	Hunter	Revise workers' comp laws to implement recommendations of Labor-Management Advisory Council	F	
HB 91	Ingraham	Revise election laws	P	Elections
HB 95	McNutt	Generally revise Montana Human Rights Act-Indian preference-subpoenas-attorney fees	P	Emp. Relations
HB 99	Ingraham	Generally revise laws relating to absentee ballots and mail ballots	P	Elections
HB 107	Hollenbaugh	Authorize collection of interest payments on unpaid coal royalties	P	State Lands
HB 111	Stahl	Improving tax administration by depositing state agency lodging tax in general fund	P	Appropriations
HB 114	O'Hara	Amend Montana crime victims compensation act	P	At-risk Youth
HB 116	Ingraham	Tighten actuarial controls to improve actuarial funding of Teachers ' Retirement	P	Emp. Relations
HB 120	McGillvray	Provide for audio minutes as official minutes	P	Governance
HB 121	Hands	Creating a coal development protection program with a statutory appropriation	F	
HB 122	Malek	Provide for benefit and funding changes to public employees' retirement system	P	Emp. Relations
HB 123	McClafferty	Revise county and school district budgeting timelines	P	School Finance
HB 128	Noonan	Revise health insurance laws	F	
HB 130	Ingraham	Expand types of elections to be conducted by mail ballot elections	F	
HB 136	Schmidt	Generally revise school funding	F	
HB 142	Sands	Require interim committees review of reports and advisory councils for sunset	P	Governance

HB 143	Stahl	Revise Taylor Grazing Act funds distribution, 100% to county general fund	F	
HB 152	Washburn	Revise proof of residency and identity requirements for voting	F	
HB 154	Knox	Eliminate requirement of Superintendent of Public Instructing hold teaching certificate	F	
HB 163	Hollandsworth	Deposit PPL v. Montana damages in guarantee account and permanent fund	F	
HB 165	Hollandsworth	Deposit certain trust land and river bed income to guarantee account	P	State Lands
HB 179	Knox	Disallow unemployment benefits for certain employee terminations	F	
HB 180	Edmunds	Revise close of voter registration	F	
HB 182	Arntzen	Revise bond requirements for public schools	P	School Finance
HB 189	Barrett	Professional retirement option and funding changes for TRS	F	
HB 197	Hoven	Constitutional amendment allowing legislature to change retirement plans	F	
HB 204	Salomon	Allow any school board trustee of certain districts to preside over board	P	Governance
HB 208	Welborn	Revise law on providing and accessing student information	P	Safety
HB 215	Miller	Provide that drivers' license under age 18 is subject to school attendance	F	
HB 216	Miller	Require DOJ to adopt rules for hardship licenses for certain permit holders	P	At-Risk Youth
HB 242	Miller	Revise school and municipal elections with primary elections	F	
HB 247	Miller	Provide that income tax deduction under age 18 is subject to school attendance	F	
HB 257	Wilmer	Enter into interstate compact on educational opportunity for military children	F	
HB 274	Howard	Provide that employment of unauthorized alien is unlawful	F	
HB 276	Belcourt	Revise automated traffic enforcement systems for school buses	F	
HB 288	Sands	Addressing residency for out-of-district students	P	Governance
HB 295	Cook	Defining and recording wind energy rights	P	State Lands
HB 297	Berry	Extend time frames to preserve historic rights of way for state lands	P	State Lands
HB 301	Knox	Allow public officials to close meeting for contract negotiation strategy	F	
HB 308	Ingraham	Constitutional amendment for property tax valuation on acquisition value	F	
HB 316	Cook	Redistribute certain revenue and income	F	
HB 317	Cook	Sunset statutory appropriations over certain periods	F	
HB 325	Regier	Eliminate class 8 business equipment property tax	F	
HB 327	McClafferty	Revise school administration laws	P	Elections
HB 347	Hale	Revise education laws to provide for civics from kindergarten through 12	F	

HB 394	Boldman-Hill	Eliminate license exemption for certain private adolescent treatment programs	F	
HB 397	Knox	Provide for education funds for school choice and home schooling	F	
HB 420	Malek	Revise laws regarding state work study	F	
HB 421	Malek	Expand provider types for adult basic education	P	Accreditation
HB 440	Saloman	Require all public and private employers to use E-Verify program	F	
HB 444	Burnett	Create budget database website for taxpayer right to know	F	
HB 450	Knox	Elect board of public education	F	
HB 451	Knox	Elect board of regents	F	
HB 452	Knox	Elect Board of Regents	F	
HB 453	Knox	Elect the Board of Public Education	F	
HB 456	Smith	Define scope/boundaries of human sexuality/ reproduction education in K-12 public schools	F	
HB 484	Squires	Clarify receipt of absentee ballots for subsequent elections is not permanent	P	Elections
HB 485	Arntzen	Funding for youth in transition	F	
HB 491	Cuffe	Allow cooperative purchasing from profit/nonprofit educational procurement coops	P	School Finance
HB 509	McClafferty	Exempt from taxation fuel for contractors transporting school district pupils	F	
HB 512	O'Neil	Portion of new coal severance and oil & gas production taxes to school flex	F	
HB 527	Knox	Revise laws relating to arbitration for public labor contracts	F	
HB 530	Washburn	Allow counties to prepare mail ballots before election day	P	Elections
HB 533	Berry	Revise state coal leasing laws	P	State Lands
HB 534	Howard	Require proof of citizenship to receive state services	F	
HB 538	Peterson	Providing for sale of bonds at public or private sale	P	School Finance
HB 551	Flynn	Revise state employee health insurance program to include high deductible plan	F	
HB 558	O'Neil	Revise laws regarding students and firearms in school	F	
HB 562	Arntzen	Require notification of county and schools of urban renewal district	P	Governance
HB 565	Noonan	Clarify requirements for providing services to high-risk children	P	At-Risk Youth
HB 579	Reinhart	Revise laws relating to commercial driver's license testing	F	
HB 590	McClafferty	Create health insurance pooling for certain public employees	F	
HB 591	Blasdel	Provide special education scholarships	F	
HB 597	Reichner	Revise state public employee retirement systems	F	
HB 603	Blasdel	Provide for public charter schools	F	
HB 604	Cook	Provide for fund transfers to various accounts	P	School Finance
HB 606	Stahl	Changing the terminology, definition, and calculation of ANB	F	
HB 608	Stahl	Close retirement systems and provide for annuity benefit program	F	
HB 610	Cook	Generally revise certain fees to implement House Bill 2	F	

HB 611	Cook	Generally revise use of accounts and funds	P	Appropriations
HB 613	Roberts	Generally revise elements of the budget process to implement House Bill 2	P	Appropriations
HB 630	Knudsen	Revise school funding laws using oil and gas revenues	F	
HB 632	Taylor	Use spendable portion of coal severance tax to pay down UAL in PERS, TRS, SRS, GWPORS	F	
HB 633	Esp	Revise healthy Montana kids program	F	
HB 634	Bennett	Generally revise law relating to data privacy	F	
HB 638	Howard	Referendum to require proof of citizenship to receive state service	P	Higher Education
HB 639	Stahl	Generally revise K-12 laws - core curriculum teacher payment	F	
HB 642	Blasdel	Create select committee on efficiency in government – members – duties	P	Governance
HJ 2	Hollandsworth	Revenue estimating resolution	F	
HJ 5	Regier	Establish Montanan's with Developmental Disabilities Appreciation Week	P	At-Risk Youth
HJ 7	Skees	Study how to cut size of OPI and reduce number of school districts	F	
HJ 8	Hunter	Interim study on reducing childhood hunger in Montana	P	At-Risk Youth
HJ 9	Knox	Interim study of self-governing authority by school boards	F	
HJ 27	Bennett	Study resolution for securing personal information	F	
SB 2	Caferro	Allow dental hygienists to conduct school-based sealant programs	F	
SB 4	Lewis	Provide immunity from civil liability for sports officials	F	
SB 12	Erickson	Repeal obsolete business equipment property tax reimbursement	P	School Finance
SB 25	Kaufmann	Provide monitoring of childhood body mass index trends	F	
SB 33	Wanzenreid	Allow electronic voter registration for qualified electors with valid drivers' license	F	
SB 38	Hawks	Revise laws related to state land trust interest and income revenue	P	State Lands
SB 44	Brown	Raise age for compulsory school enrollment	F	
SB 54	Balyeat	Establish a hybrid tier in TRS for new hires only	F	
SB 55	Jent	Implement the federal military and overseas empowerment act	P	Elections
SB 56	Jent	Professional retirement option for new hires into teachers' retirement system	F	
SB 66	Lake	Revise laws governing establishment of community college districts	F	
SB 71	Hawks	Coordinate retirement fund & federal education JOBS fund	F	
SB 73	Murphy	Allow state-operated health care facilities with specified to establish max age	P	At-Risk Youth
SB 79	Branae	Increase basic entitlement for schools	F	
SB 81	Wanzenried	Revise commercial drivers' license provisions	P	Emp. Relations
SB 88	Facey	Increase professional stipends for certified teachers	F	
SB 102	Vuckovich	Revise law on payment of subcontractors on public		

		contracts	F	
SB 113	Jent	Transfer statutory excess retirement funds in trust by school districts to TRS	F	
SB 117	Hinkle	Coordination between counties, districts, and federal government	F	
SB 120	Brenden	Require publishing of appointed members to all state agency boards	P	Governance
SB 130	Wanzenried	Unemployment benefits for certain school employees between terms	F	
SB 141	Gillan	Address bullying in Montana schools	F	
SB 177	Walker	Generally revise education laws for transportation	F	
SB 196	Windy Boy	Address bullying in the workplace	F	
SB 197	Tropila	Allow nonprofits and educational entities to sell raffle tickets out-of-state	F	
SB 200	Facey	Clarify law pertaining to enrollment in Montana virtual academy	F	
SB 208	Erickson	Allowing Saturday school in K-12 schools	P	Governance
SB 214	Gillan	Revise requirements for school levy elections	F	
SB 219	Branæ	Revise laws relating to property tax protest	P	School Finance
SB 244	Lake	Allow school districts to charge certain preschool fees	F	
SB 266	Olson	Revise local coal tax gross proceeds tax abatement	P	State Lands
SB 280	Brown	Authorize commissioner of higher ed to develop self-insured student health plan	P	Higher Education
SB 282	Lewis	Provide for student scholarship organizations and tax credits for donations	F	
SB 303	Brenden	Generally revise state land laws	F	
SB 315	Ripley	Revise school law on standard of review for school board decisions	F	
SB 328	Lewis	Require PERS new hires to be in DC plan	F	
SB 329	Zinke	Generally revise K-12 laws	P	School Finance
SB 338	Arthun	Revise laws regarding certain officials and public service announcements	P	Governance
SB 341	Moore	Revise certain unemployment insurance charges to employers	F	
SB 342	Buttrey	Define misconduct for unemployment insurance laws	P	Emp. Relations
SB 355	Hamlett	Establish a Montana university assistance program for private donations	P	Higher Education
SB 358	Buttrey	Generally revise tax increment financing districts	F	
SB 364	Brenden	Clarify state land banking appraisal process	F	
SB 369	Priest	Revise laws for special elections	F	
SB 372	Tutvedt	Lower business equipment tax – phase more reduction on state economic growth	P	School Finance
SB 376	Lake	Revise local government laws to expand maturity date limitations on investments	P	School Finance
SB 377	Gillan	Generally revise tax laws to require adoption of revenue estimate for taxes and other revenue	F	
SB 380	Gillan	Generally revise laws regarding employer conduct regarding politics, religion	F	

SB 385	Caferro	An act generally revising the Montana Parents as Scholars Program	P	Higher Education
SB 386	Stewart	Revise school laws for school reform and improvement	F	
SB 387	Buttrey	Change factors for considering employee totally unemployed	F	
SB 388	Walker	Generally revise education laws for tenure flexibility	F	
SB 401	Erickson	Constitutional trust fund for oil and gas taxes	F	
SB 403	Jones	Generally revise K-12 school funding	F	
SB 409	Tutvedt	Revise methods to establish rental fees and sale of state land cabin sites	P	State Lands
SB 410	Brenden	Expend PPL v. MT proceeds on higher producing land to benefit public schools	P	State Lands
SB 412	Augare	Revise laws to temporarily exempt tribal fee land in trust land process	P	State Lands
SB 415	Lake	Generally revising oil and gas lease laws	F	
SB 425	Essman	Revise education funding to add element for remote high schools	F	
SB 428	Kaufmann	Provide for a state equalized mill for K-12 education	F	
SJ 8	Hawks	Resolution on urban-rural divide study by U-system	P	Higher Education
SJ 11	Peterson	Urge the board of regents to require post tenure review for higher education	P	Higher Education
SJ 19	Caferro	Resolution encouraging Farm to School Program	F	
SJ 26	Lewis	Study resolution for interim monitoring activities recommended by Joint Subcommittee	P	Governance
SJ 27	Caferro	Interim study of waiver services for children with developmental disabilities	P	At-Risk Youth
SJ 28	Lake	Interim study resolution on performance-based funding for education	P	School Finance
SJ 30	Windy Boy	Interim study of ways to reduce childhood trauma	P	At-Risk Youth
SR 13	Zinke	Confirm certain Governor appointees to Boards of Regents and Public Education	P	Governance