
K-12 Education

2005 Legislative Session Summary of Legislation Related to K-12 Education

Prepared by:



Office of Public Instruction



Montana Association of Business Officials



Montana Rural Education Association



Montana School Boards Association



School Administrators of Montana



MEA-MFT

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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 2005 regular 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 and/or one of the associations that participated in developing these summaries.

Accreditation/Curriculum

SB 002 Rick Laible

Recognizing authority to display national motto and historical documents

Chapter Number: 372

Effective Date: 4/25/05

SB 2 recognizes the authority of state agencies and local governments to display the national motto "In God We Trust" and other historical documents in or on public buildings or on state land. The content of any writing, document, or record described in SB 2 may not be censured solely because it contains religious references, nor may any such document or material be selected for display in order to advance a particular religious, partisan, or sectarian purpose.

SB 152 Don Ryan

Define basic system of free quality schools

Chapter Number: 208

Effective Date: 4/7/05

SB 152 establishes the legislative goals for public elementary and secondary schools. It is the goal of the Legislature that Montana's public elementary and secondary school system, in cooperation with parents or guardians, create a learning environment for each student that:

- furthers the ability to reason critically and creatively;
- fosters the ability to effectively communicate ideas, knowledge, and thoughts;
- develops a sense of personal and civic responsibility;
- develops a strong work ethic, postsecondary readiness, and employment skills; and
- encourages a healthy lifestyle.

SB 152 defines the components of a basic system of free quality elementary and secondary schools to include:

- the educational program specified by the accreditation standards provided for in 20-7-111, MCA, which represent the minimum standards upon which a basic system of free quality public elementary and secondary schools is built;
- educational programs to provide for students with special needs, such as:
 - (i) a child with a disability, as defined in 20-7-401, MCA;
 - (ii) an at-risk student;
 - (iii) a student with limited English proficiency;
 - (iv) a child who is qualified for services under 29 U.S.C. 794; and
 - (v) gifted and talented children, as defined in 20-7-901, MCA;
- educational programs to implement the provisions of Article X, section 1(2), of the

Montana Constitution and Title 20, chapter 1, part 5, through development of curricula designed to integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians;

- qualified and effective teachers or administrators and qualified staff to implement the programs in subsections (a) through (c);
- facilities and distance learning technologies associated with meeting the accreditation standards;
- transportation of students pursuant to Title 20, chapter 10;
- a procedure to assess and track student achievement in the programs established pursuant to subsections (a) through (c); and
- preservation of local control of schools in each district vested in a board of trustees pursuant to Article X, section 8, of the Montana Constitution.

In developing a mechanism to fund the basic system of free quality public elementary and secondary schools and in making adjustments to the funding formula, the Legislature shall, at a minimum, consider the following educationally relevant factors:

- the number of students in a district;
- the needs of isolated schools with low population density;
- the needs of urban schools with high population density;
- the needs of students with special needs, such as a child with a disability, an at-risk student, a student with limited English proficiency, a child who is qualified for services under 29 U.S.C. 794, and gifted and talented children;
- the needs of American Indian students; and
- the ability of school districts to attract and retain qualified educators and other personnel.

By July 1, 2007, the Legislature must determine the costs of providing the basic system of free quality public elementary and secondary schools. Secondly, it must establish a funding formula that is based on the definition of the basic system and reflects the costs associated with providing that system; allows the Legislature to adjust the funding formula based on educationally relevant factors; is self-executing and includes a mechanism for annual inflationary adjustments; is based on state laws and federal education laws consistent with Montana's Constitution and laws; and distributes to school districts in an equitable manner the state's share of the costs of the basic system of free quality public elementary and secondary schools. Thirdly, it must consolidate the budgetary fund structure to create the number and types of funds necessary to provide school districts with the greatest budgetary flexibility while ensuring accountability and efficiency.

At least every 10 years, the Legislature must authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary

schools and, if necessary, incorporate the results of those assessments into the state's funding formula.

The legislation provides definitions for terms that are not defined elsewhere in state statute. These terms include the accreditation standards, at-risk students, educational programs, qualified and effective teacher or administrator, and student with limited English proficiency.

Finally, the legislation amends 20-7-101, MCA to require the Board of Public Education to submit any proposed changes to the accreditation standards to the legislative Education and Local Government interim committee for fiscal analysis. If the Legislative Fiscal Division determines that the proposed rule has a substantial fiscal impact, the Board of Public Education may not implement the standard until July 1 following the next regular legislative session and must request that the Legislature fund implementation of the proposed standard. A substantial fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

SB 170 Jeff Mangan

Flexibility in school calendar and pupil instruction-related days (PIRD)

Chapter Number: 138

Effective Date: 7/1/05

SB 170 provides flexibility to school districts in setting their school calendars. The law encourages school districts to expand professional development inservice and training opportunities for staff. The law eliminates the requirement for 180 days of pupil instruction while retaining and defining the minimum number of aggregate hours that must be provided each year in accordance with 20-1-301, MCA.

The law provides that the trustees of a school district shall set the number of days in a school term, the length of the school day, and the number of school days in a school week. In so doing, the trustees must solicit input from the employees (those represented by a collective bargaining unit and those not represented by a bargaining unit) and from the community.

The law also provides for the emergency closure of a school by the board of trustees for one school day each year, without the need to reschedule the lost pupil instruction time when the closure is the result of an emergency.

SB 224 Jesse Laslovich
Allow off-site educational services

Chapter Number: 570 Effective Date: 7/1/05

SB 224 authorizes a school district to provide educational services, including services provided through electronic means, to pupils at an offsite instructional setting. A district must comply with any rules adopted by the Board of Public Education that specify standards for the provision of educational services at an offsite instructional setting. The provision of educational services at an offsite instructional setting by a district is limited to pupils who meet the residency requirements for that district as provided in 1-1-215, MCA; live in the district and are eligible for educational services under the Individuals with Disabilities Education Act or under 29 U.S.C. 794; or attend school in the district under a mandatory attendance agreement as provided in 20-5-321, MCA.

An offsite instructional setting is an instructional setting at a location separate from the main school site where an accredited school delivers instruction to a student who is enrolled in the district.

SJ 012 Sam Kitzenberg
Resolution promoting civic education in schools

SJ 12 promotes civic education in Montana schools. The resolution asks the Board of Public Education, the Superintendent of Public Instruction and local school boards to:

- (a) promote instruction in government, history, law and democracy;
- (b) to incorporate discussion of current issues;
- (c) provide students with learning opportunities through community service;
- (d) offer extracurricular activities that provide school and community involvement; and
- (e) encourage school participation in school governance.

SJ 019 Jim Elliott
Resolution on the USA PATRIOT Act

SJ 19 is a resolution expressing concerns about the potential for infringement of civil liberties by the USA PATRIOT Act. The resolution states "That the 59th Montana Legislature supports the government of the United States in its campaign against terrorism and affirms the commitment of the United States that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country that are protected in the United States Constitution and the Bill of Rights."

One part of the resolution requests that public schools and institutions of higher learning within Montana voluntarily provide the Montana Attorney General with "notice of each individual whose education records have been obtained by law enforcement agents pursuant to Section 507 of the USA PATRIOT Act."

The resolution further requests that each public library post in a prominent place a notice to library users as follows: "WARNING: Under Section 215 of the Federal USA PATRIOT Act, records of books and other material you borrow from this library may be obtained by federal agents. Federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about the law and policy that allows federal agents to obtain and use information about your activities in this library should be directed to: U.S. Attorney General, Department of Justice, Washington, D.C. 20530."

The Montana Legislature urges "all public libraries to adopt policies that ensure the regular destruction of records, when the records are no longer needed, that may be used to identify the name of a book borrower or the name of any Internet user."

SJ 19 is a resolution and not a law. The Legislature is requesting the voluntary assistance of schools and libraries in this matter. SJ 19 was approved by overwhelming, bipartisan majorities in both houses of the Legislature.

Failed Legislation -- Accreditation/Curriculum

HB 310 Bill Glaser

Review definition of basic system and educationally relevant factors

HB 311 Bill Glaser

Define basic system of free quality public schools

HB 314 Edward Butcher

Define education and its component parts

HB 415 Verdell Jackson

Define quality education

HB 416 Dave Gallik

Creating taskforce to define basic system of quality schools

HB 462 Rosalie Buzzas

Early childhood school readiness initiative

HB 692 Norma Bixby

Define quality education

SB 291 Don Ryan

Quality home school and child protection act

SB 313 Rick Laible

Establish Montana online school

SJ 008 Ken Toole

Resolution supporting separation of church and state and quality science education

SB 496 Mike Cooney

Enhance statewide driver education programs for novices and seniors

Appropriations

HB 002 John Witt

General appropriations act

Chapter Number: 607

Effective Date: 7/1/05

HB 2 contains the majority of state agency appropriations for the biennium beginning July 1, 2005. The appropriations include approximately \$19.6 million in each year of the next two fiscal years for Office of Public Instruction (OPI) operations and technical assistance to schools and approximately \$687 million each year for distributions of state and federal aid to local education agencies. In addition to the appropriations in HB 2, OPI is statutorily appropriated approximately \$50 million each year from the state guarantee account for K-12 BASE aid payments to schools. Revenue for the state guarantee account is generated from state school trust lands.

The following summary reflects increases over FY2004 base expenditures:

K-12 EDUCATION:

- **K-12 Base Aid**

Increases K-12 BASE aid by \$30.17 million in FY2006 and \$34.08 in FY2007 to implement HB 63 and other legislation that affected state support for K-12 schools.

- **Transportation Aid**

Increases the state obligation for school district on-schedule transportation costs by \$300,000 over the biennium. Increased costs are primarily due to changes in the number of bus miles and the size of the buses approved by county school transportation committees.

- **Special Education**

Increases the state payment for special education allowable costs by \$8.1 million over the biennium to maintain the state's level of effort at the FY05 level as required by federal law for state special education payments to schools. In addition, it allows for a 3.5% inflationary adjustment in each year.

- **School Facility Bond Payments**

Increases the appropriation for school facility payments to schools by \$4.25 million over the biennium.

- **Career and Technical Education**

Increases the state secondary vocational education appropriation by \$285,000 in each year of the biennium for a total of \$1,000,000 per year.

- **Gifted and Talented Grant Program**

Increases state grants for local gifted and talented programs by \$100,000 in each year of

the biennium for a total of \$250,000 per year.

- **HB 124 Block Grants**

Increases the appropriation for block grants to schools and counties by \$1.89 million over the biennium. Section 20-9-630, MCA provides for an annual 0.76 percent increase in school district block grants. These block grants originated from HB 124 in the 2001 legislative session.

- **Indian Education for All**

Appropriates \$1.1 million over the biennium for up to 50 model “Ready to Go” grants for school districts to demonstrate best practices in meeting the goals of Indian Education for All.

- **Federal Grant Award Adjustments**

Increases federal spending authority by an additional \$35,070,481 over the biennium for distribution to schools. This adjustment was requested in anticipation of increases in federal education programs currently administered by OPI.

- **Learn and Serve Homeland Security Grant**

Appropriates \$273,000 in each year of the biennium in federal spending authority for the distribution of monies to school districts. This is a new grant that will provide funding to six selected schools with service-learning history.

OPI OPERATIONS AND TECHNICAL ASSISTANCE TO SCHOOLS

- **Indian Education for All**

Appropriates \$2.3 million over the biennium and 4.0 FTE for the development of Indian Education for All curriculum, materials, and teacher professional development.

- **Surplus Computers Program**

Appropriates \$38,822 each year of the biennium and a 0.25 FTE to pay for the storage space and operating costs associated with providing surplus computers for schools.

- **Education Licensure**

Increases the Education Licensure unit budget by \$3,540 each year to cover the cost associated with scanning education licenses, and conducting fingerprint-based background checks for initial applicants for an educator license.

- **National Board Certification**

Increases the appropriation by \$6,000 per year for one-time stipends to teachers who achieve certification from the National Board for Professional Teaching Standards. OPI expects to pay the \$3,000 stipend to 10 teachers in each year of the 2007 biennium.

- **Audiology Program**

Provides an appropriation of \$85,000 each year in one-time-only funds to pay for the replacement of equipment used to test the hearing of students across the state. Increases the budget for audiology contracts by \$22,883 in FY06 and \$34,477 in FY07 for contract rate increases of 3% each year.

- **Statewide Student Assessment**
Increases funding for statewide student assessment by \$29,250 in FY06 and \$43,250 in FY07 to pay the increased costs associated with the OPI's contract with Riverside Publishing for administration of the Iowa Test of Basic Skills (ITBS) in grades 4 and 8, and the Iowa Test of Educational Development (ITED) in grade 11.
- **Gifted and Talented Program**
Provides 0.50 FTE and \$43,917 in FY07 to provide technical assistance and support to gifted and talented programs throughout the state.
- **Student Information Data System**
Appropriates \$2,826,388 over the biennium in one-time-only funds and 4.0 FTE for the development of a comprehensive education information system to be used by K-12 public schools and the Office of Public Instruction.
- **Commodities Program and Cooperative Purchasing Program**
Increases the state special revenue appropriation by an additional \$15,000 each year of the biennium as a result of the growing use of the Commodities and Cooperative Purchasing programs by private and public entities, and increased food storage and transportation costs associated with the commodities program.
- **Educator Preparation Unit Reviews**
Provides \$8,000 in each year of the biennium in appropriation authority to spend funds paid by campuses of the Montana institutions of higher education for review of professional educator preparation programs.
- **Federal Grant Award Adjustments**
Increases federal appropriation authority by \$5,213,245 over the biennium and 5.70 FTE in anticipation of increases in federal programs currently administered by OPI.
- **Learn and Serve Homeland Security Grant**
Appropriates \$127,000 in federal appropriation authority each year of the biennium and 1.0 FTE. This is a new grant received from the Corporation for National and Community Service. The objective of the grant is to enhance the safety and security of schools and communities through citizen preparedness through youth leadership projects.
- **Governor's Executive Statewide FTE Reduction**
Reduces OPI's agency budget by 1.60 FTE and \$49,000 in general fund each year of the biennium. This is a permanent reduction, but will not affect any existing staff.

HB 004 John Musgrove

Appropriations normally made by budget amendment

Chapter Number: 459

Effective Date: 4/28/05

HB 4 continues budget authority for OPI for several federal programs that are still active in the 2007 biennium. All remaining fiscal year 2005 federal budget amendment authority for the

Jobs and Growth Tax Relief Reconciliation Act funds is authorized to continue into federal fiscal year 2007 for:

- technical assistance for the No Child Left Behind Act;
- recognizing American Indian cultural heritage;
- technology programs;
- Reading First; and
- vocational education.

HB 044 Sue Dickenson
Exempt School for Deaf and Blind from nongeneral fund expenditure requirement
Chapter Number: 151 Effective Date: 4/8/05

HB 44 exempts the Montana School for the Deaf and Blind (MSDB) from state laws requiring that nongeneral fund money be spent before general fund money for payments received for services to children who are residents of another state. Occasionally MSDB serves children who are placed at the school by other states. Previously, revenue received from payments made by other states served to offset general fund payments to the school. The bill provides greater flexibility in budgeting for MSDB when it receives payment for services provided to nonresident children.

HB 435 Gary Branae
Establish Governor's Postsecondary Scholarship Program
Chapter Number: 489 Effective Date: 4/28/05

HB 435 establishes the Governor's Postsecondary Scholarship Program. The scholarships are merit-based or need-based. The following tables show the number of scholarships and amounts for the merit-based and need-based components. The bill provides the following number of scholarships and students:

Merit Based Component

Type	Scholarships Awarded	Per Student	FY 2006	FY 2007	FY2008	FY2009
4-year Education – per HS	185	\$1,000	\$185,000	\$370,000	\$555,000	\$740,000
4-year Education – At-large	40	\$2,000	\$80,000	\$160,000	\$240,000	\$320,000
2-year Education – per HS	185	\$1,000	\$185,000	\$370,000	\$370,000	\$370,000
2-year Education – At-large	70	\$1,000	\$70,000	\$140,000	\$140,000	\$140,000
Total	480		\$520,000	\$1,040,000	\$1,305,000	\$1,570,000

Merit-based scholarships will be awarded as follows:

- one graduate of each of Montana's accredited high schools, including accredited nonpublic high schools, who enrolls in a 4-year postsecondary institution will be awarded a scholarship of \$1,000 a year;
- 40 at-large students who enroll in 4-year postsecondary institutions will be awarded a scholarship of \$2,000 a year;
- one graduate of each of Montana's accredited high schools, including accredited nonpublic high schools, who enrolls in a 2-year postsecondary institution will be awarded a scholarship of \$1,000 a year; and
- 70 at-large students who enroll in 2-year postsecondary institutions will be awarded a scholarship of \$1,000 a year.

While the Legislature intends for the merit-based scholarships to be provided to at least one graduating senior at each high school, the money for the scholarships may be reallocated if a high school has no graduates who qualify or if a recipient becomes ineligible for renewal.

Need-Based Component (only for two-year schools)

Type	Scholarships Awarded	Per Student	FY 2006	FY 2007	FY2008	FY2009
Students incl. Nontraditional	180	\$1,000	\$180,000	\$360,000	\$360,000	\$360,000
Health Sciences	100	\$1,000	\$100,000	\$200,000	\$200,000	\$200,000
Technology	220	\$1,000	\$220,000	\$440,000	\$440,000	\$440,000
Total	500		\$500,000	\$1,000,000	\$1,000,000	\$1,000,000

Need-based scholarships will be awarded as follows:

- 180 students, including nontraditional students, who enroll in 2-year postsecondary institutions will be awarded a scholarship of \$1,000 a year
- 100 students, including nontraditional students, who enroll in 2-year postsecondary institutions and who major in the area of health sciences will be awarded a scholarship of \$1,000 a year
- 220 students, including nontraditional students, who enroll in 2-year postsecondary institutions and who are seeking a certificate or degree in the field of technology will be awarded a scholarship of \$1,000 a year

A nontraditional student is defined as a first-time student who enters a postsecondary institution or Montana private college more than 3 years after high school graduation.

A total of 980 scholarships will be issued for the 2005-2006 school year and 1,960 scholarships for the 2006-2007 school year.

The Board of Regents, through the Office of the Commissioner of Higher Education, will administer the scholarship program with the assistance of a three-member council appointed by the Governor.

HB 435 also provides for the acceptance of private funds to pay scholarships for students enrolled in postsecondary institutions or, when designated by the donor, in Montana private colleges.

HB 745 Gary Matthews
Supplemental appropriations
Chapter Number: 295

Effective Date: 4/20/05

HB 745 provides a supplemental appropriation for K-12 BASE aid of up to \$3 million for the 2005 biennium in the event that FY 2005 revenue from common school interest and income (which is deposited in the guarantee account established in 20-9-622, MCA), in conjunction with the appropriation in HB 2 (L. 2003), falls short of the total amount needed to meet the statutorily determined payments for FY2005.

HJ 2 Karl Waitschies
Revenue estimating resolution

HJ 2 lists the actual and estimated revenues for all general fund and certain non-general fund state revenue sources for state fiscal years 2005 through 2007. The resolution articulates many of the economic assumptions that drive the revenue estimates. General fund revenues projections are shown below:

		<u>FY2005</u>	<u>FY2006</u>	<u>FY2007</u>
HJ 2 General Fund Revenues	(millions)	\$1,412.0	\$1,429.8	\$1,475.3
Legislative Impacts		\$ -14.3	\$ - 8.9	\$ - 9.6
Total General Fund Revenues		\$1,397.7	\$1,420.9	\$1,465.7

A detailed description of the general fund and other non-general fund revenues can be found in the *Legislative Fiscal Report 2007 Biennium, Volume 2 – Revenue Estimates*. This report is produced by the Legislative Fiscal Division and can be found on the Legislative website at http://leg.state.mt.us/css/fiscal/report_info.asp.

Failed Legislation -- Appropriations

HB 003 John Witt

Supplemental appropriations

HB 013 Rick Ripley

Pay plan for state employees

HB 47 Kathleen Galvin-Halcro

Funding for full-time kindergarten

HB 369 Dave Gallik

Fund cost of taking college admission examination

HB 372 Christopher Harris

Transfer money from state lottery to OPI for grant writer position

HB 791 Carol Juneau

Fund Indian Education for All

At-Risk Youth

HB 020 Sue Dickenson

Revise eligibility criteria for admittance to School for Deaf and Blind

Chapter Number: 41

Effective Date: 3/24/05

HB 20 revises laws that determine eligibility of children for admittance to the Montana School for the Deaf and Blind (MSDB). Previously, parents were able to apply directly to the MSDB for enrollment of their children. HB 20 now requires that the child be identified as deaf, hearing impaired, or visually impaired, consistent with the requirements of the Individuals with Disabilities Education Act (IDEA).

HB 183 Eve Franklin

Medicaid redesign; Severely emotionally disturbed children waiver proposal

Chapter Number: 72

Effective Date: 10/1/05

HB 183 permits the Department of Public Health and Human Services (DPHHS) to seek a Medicaid waiver for the purpose of increasing flexibility in providing services to seriously emotionally disturbed children. By expanding the types of community-based services that are reimbursable by Medicaid, the waiver will increase the options for maintaining seriously emotionally disturbed children in their home communities and will avoid, where possible, placement in residential programs. The bill encourages flexibility to meet individual needs of children, local involvement in development and administration of the home and community-based services system, culturally sensitive and appropriately trained mental health providers, and accountability.

HB 215 Mary Caferro

Revise reference to Developmental Disabilities Council

Chapter Number: 78

Effective Date: 3/24/05

HB 215 revises various laws pertaining to the establishment of the Council on Developmental Disabilities. These changes include changing the name from the Developmental Disabilities Planning and Advisory Council to the Montana Council on Developmental Disabilities, establishing compensation and expense reimbursement for council members, authorizing the Council to adopt its own governing rules, and clarifying that the Council shall advise the Department of Public Health and Human Services (DPHHS), other state agencies, tribal governments, local governments, and private organizations on programs for services to

persons with developmental disabilities.

HB 396 Arlene Becker

Asthma self-medication allowed in schools

Chapter Number: 306

Effective Date: 7/1/05

HB 396 allows public and nonpublic school students to carry and self-administer prescribed asthma medication. The law defines asthma, asthma medications, and self-administration.

A student may be permitted self-administration of asthma medications at school if the student's parents or guardians provide to the school: a written and signed authorization from the parents or guardians for self-administration of medication acknowledging that the school district or its employees are not liable for injury that results from the student self-administering the medication; a written statement from the student's doctor that includes the name and purpose of the medication, the prescribed dosage, and the times or circumstances when the medication is to be administered; documentation that the student has demonstrated to a health care practitioner and the school nurse the skill to self-administer the medication; and documentation of a doctor-formulated written treatment plan that includes medication use by the pupil during school hours.

The law limits the permission for self-administration of medication to the school year in which the permission is granted. Permission must be renewed for each subsequent school year.

HB 438 Rosalie Buzzas

Braille literacy services for blind or visually impaired children

Chapter Number: 490

Effective Date: 7/1/05

HB 438 ensures that children with blindness or visual impairment who are in need of instruction in Braille receive that instruction consistent with the requirements of the Individuals with Disabilities Education Act (IDEA). The bill also requires that the Board of Public Education establish standards to ensure that individuals who provide Braille instruction are appropriately trained and supervised; that the Montana School for the Deaf and Blind (MSDB) establish a short-term equipment loan program to allow for more immediate access to Braille equipment; and that the process of selecting public school textbooks ensure that the materials are made available to each blind and visually impaired child in a timely manner. HB 438 appropriates approximately \$200,000 annually to the MSDB to cover costs associated with the equipment loan program and to expand its outreach program serving blind and visually impaired students.

HB 452 Jonathan Windy Boy
Implement recommendations for redesign of health programs for Indians
Chapter Number: 128 Effective Date: 3/30/05

HB 452 requires the Department of Public Health and Human Services (DPHHS) to seek exceptions under federal Medicaid law to protect Indian Health Services and tribal facilities from changes in Medicaid eligibility categories, covered services, and reimbursement levels. It also directs DPHHS to work with tribes to explore options for the state Children's Health Insurance Program (CHIP) to leverage greater federal financial participation for health care services to Indian children. This Medicaid refinancing bill is intended to leverage, as much as possible, federal financial participation in the Medicaid program for services provided through Indian Health Services.

HB 550 Jonathan Windy Boy
Fund youth leadership forum for students with disabilities
Chapter Number: 501 Effective Date: 7/1/05

HB 550 appropriates \$50,000 to the Department of Public Health and Human Services each year of the biennium to fund a Montana youth leadership forum for students with disabilities, including Indian students with disabilities on Montana reservations. The forum provides students with disabilities the opportunity to develop or refine their leadership skills.

HB 628 Paul Clark
Registration and board requirements for certain alternative schools and programs
Chapter Number: 294 Effective Date: 4/19/05

HB 628 establishes a Board of Private Alternative Adolescent Residential or Outdoor Programs for the purpose of examining the benefit of licensing the programs and establishing safety standards. These programs include private alternative adolescent residential or outdoor programs that provide a structured alternative residential program for youth who are experiencing behavioral or learning problems. The programs do not include programs that are already licensed under other provisions of state law, recreational programs, certain boarding schools, certain programs providing residential training or vocational programs, camps with a focus on faith-related activities, or organizations that are adjunct ministries of a church. The Board's responsibilities include the establishment of a system for registration of the programs, and determining needed regulations and standards to ensure quality of child care.

The board is attached to the Department of Labor and Industry.

HJ 001 Eve Franklin
Support substance abuse prevention efforts

This resolution urges the Governor, the Department of Public Health and Human Services, the Department of Corrections, the Attorney General, and the Superintendent of Public Instruction to work together to coordinate education, prevention and drug control efforts. In addition, the resolution asks for coordination with other public health prevention efforts that would include child abuse, teen pregnancy, HIV/AIDS, suicide and the retail sale of alcohol and tobacco to minors. The resolution also asks for support of a prevention newsletter.

SB 033 John Cobb
Eliminate unified budget requirement for Interagency Coordinating Council
Chapter Number: 346 Effective Date: 10/1/05

SB 33 eliminates the requirement that a unified budget, which includes education funds, be prepared by the Interagency Coordinating Council for State Prevention Programs.

SB 041 Bob Keenan
Medicaid redesign: funding principles
Chapter Number: 530 Effective Date: 10/1/05

SB 41 establishes funding principles for the Legislature and the Department of Public Health and Human Services to consider when making changes to Medicaid policy. These principles are intended to protect persons that are most vulnerable and most in need and to discourage the use of across-the-board cuts (or increases) and instead give preference to the elimination or restoration of entire programs. The principles include giving priority to prevention services, life-threatening conditions, services that support independent living, pain management, and services that reduce the need for acute inpatient or residential care.

SB 042 Bob Keenan
Clarify system of care and service area authority for children's mental health
Chapter Number: 200 Effective Date: 10/1/05

SB 42 clarifies the governance structures for developing policies and budgets for the delivery of children's mental health services. These clarifications include the responsibilities of local advisory councils, regional service area authorities, and state-level children's system of care planning committee. The clarifications are intended to ensure that policies, plans and budgets are coordinated between the different levels of state, regional and local governance in

children's mental health care.

SB 086 Frank Smith
Montana definitions for Indian Child Welfare Act
Chapter Number: 349 Effective Date: 10/1/05

SB 86 defines the terms related to implementation of the federal Indian Child Welfare Act. It clarifies who may serve as an expert witness in cases involving Indian children in proceedings subject to the Act.

SB 110 John Cobb
Medicaid redesign; HIFA and 1115 demonstration waiver authority
Chapter Number: 350 Effective Date: 4/21/05

SB 110 authorizes the Department of Public Health and Human Services (DPHHS) to use Medicaid waivers for the purpose of increasing the availability of state matching funds and expanding the number of participants in the State Children's Health Insurance Program (CHIP). The waiver obtained through the demonstration projects could potentially expand the number of children eligible for health insurance coverage. DPHHS is given broad authority to adopt financial participation requirements for enrollees and select the types of services covered under the waiver.

SB 127 Bob Keenan
Medicaid redesign; home and community-based services
Chapter Number: 353 Effective Date: 4/21/05

SB 127 authorizes the Department of Public Health and Human Services (DPHHS) to obtain waivers of federal Medicaid law for home and community-based services to serve persons with disabilities or persons who are elderly. The waiver allows for the expansion of community-based services provided that those services are less costly to a specific population than is the cost of long-term care facility services. DPHHS is given rule-making authority to establish financial participation requirements, limit enrollment in programs, and reduce services in the event that program expenditures exceed available spending authority. The waiver allows DPHHS to include in the waiver a wide range of specific populations. One of these specific populations includes children under 21 years of age who are seriously emotionally disturbed and in need of mental health and other specialized support services to treat their mental illness and to maintain the children with their families or in other community-based programs. The bill also clarifies that a person must meet a long-term care level of care determination prior to admission into a long-term care facility.

SB 363 Carol Williams
Revise special education laws
Chapter Number: 255

Effective Date: 7/1/05

SB 363 revises laws relating to special education to comply with the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA). The changes are:

- establishes a 30 day limit between the time that a school identifies a child as in need of a surrogate parent and the date an individual is appointed as a surrogate parent;
- clarifies that homeless children have the right to access special education services;
- removes reference to OPI prior approval of district initiated special education programs;
- continues the option for school districts to permissively serve children ages 19 through 21;
- removes references to "child study team" (CST) and replaces the term with "evaluation team", providing OPI flexibility when identifying changes in policy or procedure that may reduce paperwork; and
- repeals certain special education transportation and tuition laws that were duplicated in other sections of state law.

Failed Legislation -- At-Risk Youth

HB 31 Don Roberts

Establish office of substance abuse prevention and treatment

HB 137 Carol Juneau

Fund dropout prevention program

HB 336 Michael Lange

Revise developmental disability services

HB 505 Gary Matthews

Install interactive videoconferencing system at Pine Hills

SB 101 Trudi Schmidt

Require registration of youth residential therapeutic programs

SB 150 Bob Keenan

Medicaid redesign; cost-sharing for community-based Medicaid services

SB 156 Mike Cooney

Raise CHIP eligibility through federal poverty level percentage

SB 199 Ken Toole

Include sexual orientation in human rights and other law

SB 202 Ken Toole

Include sexual orientation, disability, and gender in malicious intimidation law

SJ 005 Trudi Schmidt

Resolution to study truancy in public schools

Elections

HB 177 Alan Olson
Revise election procedure
Chapter Number: 586

Effective Date: 10/1/05

HB 177 made several changes for how Montana elections are conducted. The law affects school elections in the following areas:

- The election administrator must prepare a plan for records retention and destruction of election records according to schedules adopted by the local government records committee. (For schools, use Schedule 7, page 9: <http://sos.state.mt.us/Assets/records/sched7.pdf>.)
- An elector who changes residence to a different county must register in the new county of residence unless the change occurs less than 30 days before the election. The previous deadline was 45 days before the election. An elector who moves 30 days or less before the election may vote in person or by absentee ballot in the precinct and county where previously registered.
- The right of an elector to vote may be challenged at any time. The timing of the challenge, prior to the close of registration or after the close of registration, determines the process to be followed. If the challenge is not made in the presence of the challenged elector, the election administrator must notify the elector as soon as possible of the details of the challenge and how to respond. If the challenge is made more than 5 days before an election, the notice must be delivered to the elector within 5 days. If the elector's ballot is provisional, based on a pending challenge on the grounds the elector has been determined by a court to be of unsound mind or is serving a felony sentence, the ballot must be counted unless the challenger provides documentation supporting the challenge by 5 pm on the day following the election.
- The bill clarifies a candidate may not file for more than one public office.
- During a count of ballots, if the election administrator or election board believes the voting system is not operating correctly, the count must be halted and the system must be tested under rules adopted by the Secretary of State under 13-17-211, MCA. If the test proves the system is not functioning correctly, the ballots must be counted in accordance with Secretary of State's rules. Before a voting system can be used to recount votes cast on non-paper ballots, the election administrator must test the voting system using the Secretary of State's rules.
- A candidate wishing to run for public office may be elected without having filed a declaration of intent to run for the office, providing an election is held and the name of a person who is qualified and seeks election to the position is written in and no other

- candidate has filed a declaration or petition for nomination or a declaration of intent.
- The bill establishes a process for handling a vote that is questionable because it either was not cast according to instructions for paper ballots or it cannot be recognized as valid by a voting system.

HB 297 Brady Wiseman

Require use of paper ballots in all elections

Chapter Number: 275

Effective Date: 10/1/05

A voting system may not be approved under 13-17-101, MCA unless the voting system uses a paper ballot that allows votes to be manually counted. An exception is allowed to facilitate voting by a disabled voter pursuant to the Help America Vote Act of 2002, 42 U.S.C. 15301, et seq. within certain restrictions.

HB 302 Robyn Driscoll

Revise code of conduct concerning bond or levy elections

Chapter Number: 437

Effective Date: 4/28/05

HB 302 allows a school district board of trustees, school superintendent, or designated employee of a school district with no superintendent to disseminate information in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

HB 574 Gary Branae

Revise level of voter approval for school bond elections

Chapter Number: 503

Effective Date: 4/28/05

As a result of HB 574, consolidation and annexation elections involving the assumption of bonded indebtedness require a simple majority of votes cast. Prior to passage of this bill, certain percentages of voter turnout and affirmative votes cast were required.

For a bond election held at a general election, at a mail ballot election, or at a special election that is held in conjunction with a regular or primary election, the outcome will be determined based on a simple majority of votes cast.

For a bond election held at the time of the regular school (trustee) election or a special election, this bill maintained the current requirement to include voter turnout as a factor. Passage of bond elections under these conditions requires: a) a majority of votes cast if voter

turnout is at least 40%; b) 60% of votes cast if voter turnout is more than 30% and less than 40%; and c) the election fails if voter turnout is 30% or less.

HB 590 Rosalie Buzzas
Revise elector reactivation
Chapter Number: 446

Effective Date: 10/1/05

Voters will be reactivated if they vote in person or by absentee ballot at an election. Before this bill, voters had to vote in a federal election to remain actively registered.

SB 088 Carolyn Squires
Permanent absentee voter registration
Chapter Number: 284

Effective Date: 7/1/05

When applying for an absentee ballot, an elector may request to receive an absentee ballot for each subsequent election or only for federal elections, providing the elector remains at the same address and remains qualified to vote. The election administrator shall mail an address confirmation form at least 75 days before each subsequent election to each voter who requested an absentee ballot for the subsequent elections. If the form is not returned, the voter is removed from the list of voters to receive absentee ballots for subsequent elections and the voter may again request to be put on the list.

With regard to school elections, the election administrator is usually the clerk of the district. When a voter requests to receive an absentee ballot for each subsequent election, the request made to the school's election administrator would apply only to subsequent school district elections.

SB 182 Kim Gillan
Count absentee ballots cast by voters who die before election day
Chapter Number: 359

Effective Date: 10/1/05

SB 182 requires an elector's vote to be counted if the elector dies between the time of voting absentee and the election day.

SB 302 Jon Ellingson
Generally revise election laws
Chapter Number: 286

Effective Date: Sec. 1 & 3-6 – 7/1/05
Sec. 2 & 7-21 – 7/1/06

Effective 7/1/05:

- SB 302 sets procedures for processing absentee ballots for provisionally registered voters and for treating challenged ballots. Rejected ballots must be handled and marked subject to administrative rules adopted by the Secretary of State.
- A voter may request an absentee ballot either by using a standard form or by submitting a written request. Absentee ballot requests must be addressed to the appropriate election official. In addition to submitting the request by mail or delivering it in person, it may be delivered by a third party.
- Voting systems must allow votes to be printed on paper and manually counted or audited. The Secretary of State must randomly test at least 10% of all voting systems in the state at least once every calendar year. Additionally, testing must be done upon delivery, within 30 days before the election, and on election day. The Secretary of State will adopt administrative rules for the testing.

Effective July 1, 2006:

- For school elections, an elector must submit a voter registration by the deadline, may change the information up until 5pm on the 10th day following the close of the regular registration, and may vote at the polling place for the precinct.

SB 460 Dan Weinberg
Clarify mail ballot bond election for unified school district
Chapter Number: 264 **Effective Date: 4/15/05**

SB 460 allows unified school districts (elementary and high school districts sharing a single board of trustees) or districts that created a joint board under MCA 20-6-312 for the purpose of coordinating educational programs or support services to run more than one mail ballot election on the same day using the school election administrator. Before the change, schools had to use the county election administrator if more than one mail ballot election was conducted in a political subdivision on the same day.

SB 500 John Cobb
Revise election laws to facilitate voting by disabled persons
Chapter Number: 367 **Effective Date: 10/1/05**

SB 500 facilitates voting by disabled voters by:

- allowing a mark or fingerprint to be used in place of a signature, and allowing a disabled voter to designate an agent to assist in the process. Designation of an agent will be done by application. Current law already allows the voter to designate an individual at the polling place to assist in voting;
- requiring that polling places established on or after October 1, 2005 comply with accessibility standards in the Americans with Disabilities Act of 1990. Polling places approved before that date continue to be required to comply, whenever possible, with standards for accessibility established by the American National Standards Institute and uniform federal accessibility standards;
- allowing a disabled elector who does not provide a fingerprint, identifying mark, or signature by an authorized agent to cast a provisional ballot that will be handled the same as other provisional ballots; and
- requiring that when a disabled voter enters a polling place, an election judge must ask if the voter wants assistance.

Failed Legislation -- Elections

HB 253 Christopher Harris

Revise tie breaker method for tied elections

HB 465 Bernie Olson

Authorize creation of satellite polling places

HB 595 Carol Juneau

Clarify gender/racial balance for election judges; satellite absentee voting

SB 234 Mike Cooney

Revising identification requirements for voter registration and voting

SB 367 Mike Cooney

Implement same day voter registration

Employment Relations

HB 045 Alan Olson
Revise sick leave laws
Chapter Number: 582

Effective Date: 5/6/05

HB 45 amends the statutes that govern sick leave for public employees in Montana. It revises the definition of sick leave to include situations most public employers currently allow and makes the adoption of administrative rules permissive rather than mandatory. "Sick leave" means a leave of absence with pay for:

- a sickness suffered by an employee or member of the employee's immediate family;
- the time that an employee is unable to perform job duties because of:
 - a physical or mental illness, injury, or disability;
 - maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;
 - parental leave for a permanent employee as provided in 2-18-606, MCA;
 - quarantine resulting from exposure to a contagious disease;
 - examination or treatment by a licensed health care provider;
 - short-term attendance, in an agency's discretion to care for a person [who is not the employee or a member of the employee's immediate family] until other care can reasonably be obtained;
 - necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
 - death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

HB 112 John Musgrove
Encourage teleworking
Chapter Number: 56

Effective Date: 3/24/05

HB 112 requires that the Department of Administration adopt policies to encourage agencies to authorize telework. The department will adopt a telework policy in addition to its current Telework Program Guide.

HB 213 Dave Gallik
Generally revise public retirement laws under MPERA
Chapter Number: 329 Effective Date: 7/1/05

HB 213 is a general housekeeping bill for public employees' retirement. One of the changes brings Montana law into conformance with IRS regulations regarding pension plans for employees who have entered into collective bargaining agreements that require employer contributions.

HB 381 Tim Callahan
Revise work comp mediation attendance requirements
Chapter Number: 39 Effective Date: 10/1/05

HB 381 requires that a workers' compensation claimant and the insurer or an authorized third-party examiner attend any scheduled mediation conference in person or via a telephone conference call.

HB 418 Jim Keane
Revise the definition of supervisory employee regarding collective bargaining
Chapter Number: 483 Effective Date: 4/28/05

HB 418 changes the definition of supervisory employees covered by the state's collective bargaining agreements.

HB 447 Dave Gallik
Increase state employee pay
Chapter Number: 6 Effective Date: 7/1/05

Based on 2,080 hours per year, HB 447 provides state employees with the greater of a 3.5% or \$1,005 pay increase in FY06 and the greater of a 4% or \$1,188 pay increase in FY07. It also increases the state share of monthly insurance premiums to \$506 in January 2006 and \$557 in January 2007.

HB 508 Gordon Hendrick
Clarify application of VEBA
Chapter Number: 96 Effective Date: 10/1/05

SB 508 clarifies that all branches of state government may participate in the state Voluntary

Employees' Beneficiary Association (VEBA).

SB 053 Carolyn Squires

Revise law on reduction-in-force and relocation expenses

Chapter Number: 111

Effective Date: 3/24/05

Prior to passage of SB 53, state law required that agencies pay relocation expenses when an employee was laid off. SB 53 repeals this requirement.

SB 054 Carolyn Squires

Clarify state mileage reimbursement rate for use of a private vehicle

Chapter Number: 112

Effective Date: 3/24/05

SB 54 changes the reimbursement rate for use of a personal vehicle while on state business from 52% to 48.12% of the mileage rate set by the federal IRS.

SB 064 Jon Brueggeman

Revise contractor registration laws

Chapter Number: 133

Effective Date: 3/30/05

SB 64 eliminates the requirement that a construction contractor's application be submitted under oath. SB 64 also provides that:

- fees for contractor certification be used for the enforcement of Title 39, chapter 9 and independent contractor certification;
- fees for a joint application for contractor registration and an independent contractor exemption cannot exceed the fee imposed if the applications are filed separately;
- costs of administering the certification of independent contractors is excepted from the Workers' Compensation administration fund; and
- Employers are not required to pay a proportionate share for administration of the independent contractors' certification program.

SB 108 Dave Lewis

Revise laws governing independent contractors

Chapter Number: 448

Effective Date: 4/28/05

SB 108 provides that holding an independent contractor exemption certificate is considered proof of independent contractor status. Independent contractors can be paid at a higher rate than employees and can provide services to a single employing unit (contractor) without

becoming an employee of that unit. The Department of Labor and Industry is to establish rules relating to initial applications and the fees to be charged. This law further provides that any person working under an approved independent contractor exemption certificate has waived and is not entitled to any benefits from either the Workers' Compensation Act or the Occupational Disease Act of Montana unless the person elects to be bound personally and individually under compensation plans 1, 2, or 3.

SB 108 also gives the department the authority to revoke or suspend an independent contractor exemption certificate if it determines that the employing unit exerts or retains a right of control which violates provisions of the law or the applicant provided misrepresentations on the application or renewal form, altered or amended the application, renewal form or supporting documentation or failed to provide information relevant to the continued validity of the certificate.

SB 108 also provides for penalties to be imposed against any person or employer who violates the terms of the law by payment of a fine up to \$1,000 for each violation.

SB 118 Mike Wheat
Revise employment-related protection for National Guard
Chapter Number: 381 Effective Date: 4/25/05

SB 118 establishes the Montana Military Service Employment Rights Act. The bill provides members of the state's organized militia with reemployment rights similar to those found under current federal law (USERRA). It also expands paid military leave for public employees to include state and federal active duty service.

SB 206 Dave Lewis
Apply 1-1-05 pay increase to all state employees
Chapter Number: 238 Effective Date: 4/15/05

SB 206 provides state employees who were at the maximum salary for their pay grade on January 1, 2005 the same 25 cent per hour raise that all other state employees received. It is retroactive to January 1, 2005.

SB 451 Mike Wheat
Revise speech-language and audiologists licensing laws
Chapter Number: 262 Effective Date: 10/1/05

SB 451 revises statutes defining audiology and speech language pathology to include

nonmedical diagnosis, assessment and treatment while providing the Board of Speech-Language Pathologists and Audiologists with increased authority to define scope of practice. The bill removes reference to the American Speech Language Hearing Association (ASHA) employment requirements as one of the qualifications for licensure while providing the board the authority to adopt standards for licensure equal to or greater than the standards generally accepted as the national norm. The term "assistant" was added to the definition of a person working directly under the supervision of a licensed speech language pathologist or audiologist.

Failed Legislation -- Employment Relations

HB 122 Veronica Small-Eastman
Restrict and clarify use of publicly owned vehicles

HB 228 Kathleen Galvin-Halcro
Mandatory employee break time

HB 258 David Wanzenried
Implement Indian hiring preference for certain school districts

HB 265 Elsie Arntzen
Employment and residence restrictions on violent and drug offenders

HB 589 Wayne Stahl
Revise workforce training laws

HB 629 Roger Koopman
Alternate teacher certification procedure

HB 794 Dave Gallik
Create criminal and civil penalties for violations of the right to know

SB 72 Jeff Mangan
Continuation of health insurance as a retirement incentive

HB 202 Art Noonan
Revise payroll processing for terminating employees

HB 237 Carol Juneau
Unemployment for noncertified school employees during closures

HB 261 Michael Lange
Prohibit government employment discrimination on previous salary level

HB 404 Roger Koopman
Restrict subjects of school district collective bargaining regarding volunteers

HB 593 Roger Koopman
Prohibit lobbying by certain public employees

HB 677 Christine Kaufmann
Revise and increase minimum wage

HJ 014 Kevin Furey
Urge Congress to pass employee freedom of choice act

SB 78 Dan Harrington
Increase minimum wage

SB 148 Dan McGee

Criminal records checks for IT professionals

SB 219 John Brueggeman

Income tax credit related to repayment of certain student loans

SB 280 Carolyn Squires

Revise definition of wages for work comp

SB 383 Vicki Cocchiarella

Stipend for speech-language pathologist teachers

SB 467 John Esp

High deductible health savings account option for state employees

SB 149 Jesse Laslovich

State service contracts to be performed by citizen, legal alien or visa holder

SB 227 Jesse Laslovich

Reduce nontenured teacher probation period

SB 357 Carolyn Squires

Criminal background check required before licensing social workers

SB 444 Frank Smith

Revise purchase of military service in certain public retirement systems

SB 490 Joe Tropila

Allow state employees to serve as election judges while on state time

Governance

HB 317 Robin Hamilton

Allow school boards to meet in places other than schools

Chapter Number: 438

Effective Date: 10/1/05

HB 317 amends Section 20-3-322, MCA, regarding the appropriate meeting place for school boards. The bill states that, "except for an unforeseen emergency, meetings must be conducted in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the district." The change from previous law is that the meeting must take place in a publicly accessible building – not a publicly owned building -- and that a unanimous vote of the trustees is required to do so. All other requirements of noticing the meeting remain the same.

HB 397 Tim Dowell

Clarify governance for certain school districts

Chapter Number: 91

Effective Date: 3/24/05

When there is more than one elementary district in which high school buildings are located, this bill designates that the trustees of the elementary district located where the first operating high school building was constructed will serve as the elementary trustees on the high school board. HB 397 removes an obsolete reference to this duty being performed by the high school boundary commission, an entity which was repealed in a past legislative session. Additionally, when there is more than one elementary district in which operating high school buildings are located, the classification of the high school district must be the same as the classification of the elementary district described in 20-6-201, MCA in which the operating high school building that was first constructed is located.

There is only one high school district in the state that is known to be immediately affected by HB 397.

HB 652 Jill Cohenour

Allow school buses to cross district boundaries in certain cases

Chapter Number: 508

Effective Date: 7/1/05

HB 652 clarifies that a district may extend a bus route across another transportation service area, that is, across the district's boundary and back, if it is necessary in order to provide

transportation to pupils in the district's own district. The district may cross the border and transport pupils from outside the district's own transportation service area only if the district has a written agreement with the district whose pupils are being transported.

HB 681 Holly Raser

Revise laws on school district consolidation and annexation

Chapter Number: 510

Effective Date: 7/1/05

This bill combines sections of law to eliminate duplication and simplify the processes for annexation and consolidation.

A consolidation election must be held by December 31 to become effective the following July 1. Districts may consolidate, annex, or be abandoned and attached with a contiguous district of the same level (elementary, high school, K-12) located in their own county or another county. The bill clarifies the roles of the county superintendents when districts in 2 or more counties consolidate or annex. Elections for consolidation or annexation with the assumption of bonded indebtedness require a simple majority vote to pass.

Consolidating districts are allowed to hold a general fund election to determine the budget for the first year of consolidation. Also, the bill directs consolidating districts to hold a trustee election to establish a new board for the consolidated school district. To facilitate the consolidation process, consolidating districts will form a joint interim board (made up of all members of both combining boards) to handle transitional issues from the date of the consolidation election through the reorganization of the newly elected board. Separate boards of the combining districts will continue to conduct business related to the separate districts through June 30.

Failed Legislation -- Governance

HB 335 Veronica Small-Eastman

Require Native American member on all state boards

HB 456 Roger Koopman

Charter schools and charter school districts

HB 471 Jack Ross

Provide for appointed Superintendent of Public Instruction

HB 525 Carol Juneau

Revise districts for appointing Board of Public Education and Regents

SB 419 Don Ryan

Revise moratorium on creation of new school districts

Safety

HB 162 Teresa Henry

School districts to retain copies of immunization records

Chapter Number: 156

Effective Date: 10/1/05

HB 162 clarifies the procedure for transferring immunization records when a student transfers to a new school. The new provision requires the sending district to retain a certified copy of a student's immunization record for the permanent record while sending the original immunization record to the receiving school. This practice will allow the original immunization record to follow the student and be updated as needed.

HB 643 Tim Dowell

Eliminate smoking in enclosed public places

Chapter Number: 268

Effective Date: 10/1/05

HB 643 prohibits smoking in all public schools and in all buildings where the public is free to enter. Prior to this law, smoking was prohibited in public schools, however, the school could designate a smoking area for non-student adults. This law eliminates that exception so that now "the use of a tobacco product in a public school building or on public school property" is prohibited (unless the use is part of a classroom demonstration concerning the risks associated with using a tobacco product). The law also provides penalties for unlawful smoking in school buildings, on school property or in other buildings open to the public.

HB 747 Robyn Driscoll

Limit liability for student construction projects

Chapter Number: 521

Effective Date: 7/1/05

HB 747 limits the liability of public school districts and post secondary institutions for civil damages resulting from student labor on a construction project that is part of a public education program if notice is given at the time of transfer of the property, except in cases where there is gross negligence or willful misconduct. The entity that transfers title to a construction project must disclose the fact that the construction project was constructed as part of a public education program on at least one document, form, or application executed prior to or at the time an offer is made for purchase, sale, rental or lease of the construction project. HB 747 specifies the language to be used in the disclaimer.

HJ 017 Dave McAlpin
Urge physical activity to enhance health

HJ 17 encourages the Board of Public Education to consider the benefits of increasing the amount of health enhancement instruction that is offered in schools and encourages schools to provide students with more opportunities for physical activity. The resolution states that "Health Enhancement is part of the Montana accreditation standards upon which a quality education is built" and urges the consideration for additional health enhancement for all K-12 students.

SB 038 Trudi Schmidt
Double traffic fines in school zones
Chapter Number: 232 Effective Date: 10/1/05

SB 38 provides for increased penalties (a fine of not less than double the normal penalty) for persons arrested and convicted of violating the speed limit imposed by a local authority for the streets/area near a school. A portion of the increased fine can be used by the local authority to erect speed limit notification signs near the school.

SB 080 Gary Perry
Prohibit open alcohol containers in vehicles
Chapter Number: 348 Effective Date: 10/1/05

SB 80 establishes that it is unlawful to possess an open container of an alcoholic beverage while in the passenger area of a motor vehicle. While it is unlawful to do this, the law states that such a violation is not a criminal offense and it may not be recorded or charged against a driver's record. SB 80 does not have a direct impact on schools; however, schools that offer novice driver education to students should be aware of this law as an informational resource for the students.

SB 104 Kim Gillan
Graduated driving privileges
Chapter Number: 296 Effective Date: 7/1/06

SB 104 establishes a graduated driver's licensing program for persons under age 18. The graduated driver's licensing program (or GDL program) allows persons under age 18 to progressively develop their driving skills.

The law contains a number of prerequisites for issuing a driver's license to a minor (i.e., a person under age 18). The prerequisites include that the minor has:

- held a learner's license for at least 6 months;
- passed a road test or skills test;
- had at least 50 hours of supervised driving experience with at least 10 hours of nighttime driving; and
- had no traffic violations and no offenses involving the use of alcohol or drugs for the 6-month period immediately before the application for a driver's license.

The law places restrictions for one year on the driver's license that is issued to a minor. The restrictions include:

- the GDL holder may not operate a vehicle unless each occupant in the vehicle is wearing a seatbelt;
- the number of occupants of the vehicle may not exceed the number of seatbelts;
- the GDL holder may not drive between the hours of 11 p.m. and 5 a.m. unless certain exempting conditions exist; and
- the GDL holder must comply with a series of requirements for passengers under age 21.

The new law also encourages schools that provide traffic education to include information on distracted driving.

SB 407 Duane Grimes

Revise minor in possession law

Chapter Number: 546

Effective Date: 10/1/05

SB 407 amends existing state law that prohibits persons under the age of 21 from possessing or using an intoxicating substance. The amendments set fines and penalties for persons convicted of violations under the law. This law does not have a direct impact on schools; however, schools that offer driver education should be aware of this law as an informational resource for students.

SB 487 Gerald Pease

Revise laws on school bus safety

Chapter Number: 417

Effective Date: 4/25/05

SB 487 requires a driver of a motor vehicle to stop no less than approximately 15 feet from a school bus when approaching a school bus that has stopped and activated its flashing red signals. The law clarifies that this requirement applies whenever the bus stops and sets red

flashing signals. This distance is an increase from the 10 foot distance required previously.

Under previous law, the owner of the vehicle was responsible for a violation by anyone driving the owner's vehicle. Under SB 487, a person who witnesses a violation may submit a written, in addition to an oral, report of the alleged offense. The report is a "particularized suspicion" under 46-5-401(1), MCA that the owner of the vehicle committed a violation. This change was made in response to a determination by the Attorney General's office that the current law was indefensible.

Failed Legislation -- Safety

HB 52 Jill Cohenour

Child passenger safety violation as primary offense

HB 398 Tim Dowell

Primary seat belt law for minors

HB 623 Gary MacLaren

Clarify roads on which school buses make stops

HB 706 Dave McAlpin

Establish Governor's tobacco-free awards

SB 43 Mike Cooney

Seatbelt violation as primary offense

SB 468 Jeff Mangan

Revise law on temporary restraining orders

HB 91 Christopher Harris

Prohibit open containers in vehicles

HB 578 Veronica Small-Eastman

Restrict food and beverage vending machines in schools

HB 683 Dee Brown

Transfer school bus inspections from Justice to law enforcement

HJ 035 Elsie Arntzen

Study resolution regarding student self-medication at school

SB 198 Sam Kitzenberg

Require adoption of anti-bullying policies

School Finance

HB 063 Dan Villa

School finance revision

Chapter Number: 462

Effective Date: various

HB 63 increases the per-ANB entitlements by \$250 for elementary ANB and \$100 per high school ANB above the inflationary increases of 2.1% in FY 2006 and 2.19% in FY 2007. The specific entitlement amounts are:

<u>General Fund Entitlements</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
Basic Entitlement – Elementary	\$ 19,859	\$ 20,275	\$ 20,718
Basic Entitlement – High School	220,646	225,273	230,199
Per-ANB Entitlement – Elementary	4,031	4,366	4,456
Per-ANB Entitlement – High School	5,371	5,584	5,704
Direct State Aid Percentage	44.7%	44.7%	44.7%

Beginning in FY 2006 a district's BASE and maximum budget are calculated using both current year ANB and a 3-year average ANB. The calculation that generates the highest maximum general fund budget will determine a district's budget limits. Important note: special education entitlements will be based on current year ANB only.

Beginning in FY 2006, a school district may permissively levy up to the same amount of over-BASE property taxes that it levied for its FY 2005 adopted budget. The provision does not increase a district's budget limit, but it does allow a district to levy (without a vote) the same over-BASE amount as in FY 2005. This provision may allow a district that is disequalized in FY 2006 to permissively levy above its FY 2006 maximum general fund budget rather than asking voter approval for the entire over-maximum budget as was previously required.

HB 63 waives and/or extends the school levy election deadlines for the FY 2006 budget. Any statutory deadlines that fell on or before April 15, 2005, were extended to April 25, 2005. The time period for posting the election notice was changed to April 25 through May 3, 2005.

HB 067 Larry Jent

Revise Montana Procurement Act

Chapter Number: 289

Effective Date: 7/1/05

HB 67 makes general revisions to the Montana Procurement Act concerning the procurement

practices of the State of Montana. The Act provides the public the right to inspect competitive sealed bids only after they are opened and reviewed by the procurement officer for release, subject to the same limitations specified in 18-4-304(4), MCA for competitive sealed proposals. HB 67 removes the limitation on the amount of an irrevocable letter of credit for contract performance security; exempts from the Act provisions for art purchased or commissioned for a museum or public display; and clarifies exemptions to the contract time period limit of seven years for hardware, software, or other technology resources, which may be made for a period not to exceed 10 years.

HB 083 Margaret Campbell

Revise school district tuition payments

Chapter Number: 463

Effective Date: 7/1/05

Beginning with attendance during school year 2005-06, tuition payments for a student placed outside the student's district of residence by a state agency or court, including tribal court, will be paid to the school of attendance by the Office of Public Instruction (OPI). Prior to the passage of this bill, county superintendents were responsible for tuition payments for "state placed" students. The bill is effective for attendance starting in school year 2005-06, so county superintendents will pay tuition for students who attended under placements during school year 2004-05.

School districts will claim tuition payments by submitting approved attendance agreements to OPI and by filing an annual tuition report showing the number of days each student was enrolled in the previous year and details of add-on charges for students with disabilities and students without disabilities with programs costing more than average.

HB 83 appropriated \$336,000 to OPI for FY 2007 payments for students attending during school year 2005-06.

HB 220 Bob Lake

Authorize electronic fund transfers between state and local governments

Chapter Number: 432

Effective Date: 4/28/05

HB 220 requires that if a county, city or town has the technology to conduct electronic fund transfers, then a payment made by the county, city or town to the state treasurer or a state agency must be made by electronic fund transfer, if requested. It also requires the state to pay a local government, other than a school district, using an electronic transfer if the receiving entity has the capability to receive an electronic payment. (NOTE: Almost all of OPI payments to schools and counties occur through electronic transfer of funds.)

HB 436 Dennis Himmelberger
Developer option of donating land to school district
Chapter Number: 333 Effective Date: 10/1/05

Subject to approval of the local governing body and acceptance by the school district trustees, a subdivider may fulfill the requirement to donate land for parks and public use by donating land to a school district. Donated land must be adequate for school facilities or buildings. Prior to passage of this bill, the county was the recipient of this type of land donation.

HB 559 Bob Lake
Letter of credit as security for public contracts
Chapter Number: 186 Effective Date: 10/1/05

HB 559 allows a public entity to accept an irrevocable letter of credit as security for a public service contract. This addition simply expands the options of types of security a contractor may legally furnish to a public entity.

HB 624 Dan Villa
Hold school districts harmless for disequalized budget status
Chapter Number: 190 Effective Date: 4/8/05

School districts that adopted a general fund budget over the maximum level in any year from FY01 through FY05 may adopt up to the highest budget for any of those years, subject to certain voting restrictions. This applies to FY06 and FY07 budgets.

HB 660 Alan Olson
County treasurer notice of cash demands
Chapter Number: 196 Effective Date: 10/1/05

The school district clerk must provide the county treasurer with a minimum of 30 hours notice in advance of making payments to meet payrolls, claims, and electronic transfers in excess of \$50,000. If timely notice is not given, the county must assess the district a fee equal to charges incurred by the county for early withdrawal from the state short term investment pool (STIP) or other investment manager.

HJ 026 Christopher Harris**Study state financial reliance on federal funds; implications of federal budget deficits**

HJ 26 requests an interim study of the history and trends of the state's reliance on and use of federal funds, the historical impacts of federal budget deficits on the funding of state-administered programs, and options available to the Legislature for dealing with reductions in availability of federal funds for programs administered by the state.

SB 048 Dan Harrington**Stop class 8 property tax reduction****Chapter Number: 531****Effective Date: 4/28/05**

SB 48 removes the provision that would have phased-out the taxation of class eight business equipment property. The phase-out was contingent upon the percentage growth in inflation-adjusted Montana wage and salary income reaching 2.85% in any year, beginning with tax year 2004. If the trigger had been reached, the tax rate for class eight property would have been reduced by 1% each year for three years until the tax rate had reached zero.

SB 48 also raises the exemption threshold for business equipment property from \$5,000 in market value to \$20,000 in market value. Under the new law, the class eight property of a person or business that owns an aggregate of \$20,000 or less in market value of class eight property is exempt from taxation. Approximately 13,000 business entities are expected to benefit from this new provision.

Raising the threshold for the class eight property exemption from \$5,000 to \$20,000 is projected to decrease the statewide taxable valuation by 0.3% in tax year 2006, which impacts the cost of the state guaranteed tax base (GTB) aid beginning in FY2007. The total increase in district and county GTB aid is projected to be \$183,000 in FY 2007. In FY 2008 and beyond, the overall drop in taxable value is not expected to have a significant impact on statewide GTB aid costs.

SB 057 Rick Laible**Clarify restriction on job corp students as district ANB****Chapter Number: 132****Effective Date: 7/1/05**

SB 57 prohibits a student attending a Montana job corps program from claiming the job corps programs' facility as the student's residence. This affects any student who turns 18 while enrolled in a Montana job corps program and who does not have a residence in the local school district other than the job corps program facility.

Montana law determines residency of a minor based on the residence of the minor's parents. At age 18, the student's residence is based on the student's own living arrangements. This bill allows a district that claims ANB for a minor student attending one of the Montana job corps programs under an interlocal agreement pursuant to 20-9-707, MCA to continue to claim ANB after the student turns 18, and until the student reaches age 19, providing the student does not establish a separate residence within the local district in which the job corps program facility is situated. Prior to passage of this bill, the district where the job corps program is located became the resident district for all job corps students who were 18 years old and the original resident district was disallowed ANB funding.

SB 271 Jim Elliott

Adjust guaranteed tax base for property tax protests

Chapter Number: 540

Effective Date: 4/28/05

SB 271 provides state guaranteed tax base aid adjustments for any school district having taxable valuation that was protested for tax year 2002 through 2004 and that exceeded 10% of the district's taxable valuation in each respective year. Upon resolution of the protest, the Superintendent of Public Instruction must compare the amount that the school district would have been eligible to receive, using the revised valuation, to the amount of guaranteed tax base aid that the district general fund actually received. If the calculation exceeds the amount of guaranteed tax base aid paid to the school district's general fund, the Superintendent of Public Instruction must request an appropriation for the difference.

SB 292 Greg Barkus

Revise state and local government finance laws

Chapter Number: 451

Effective Date: 4/28/05

SB 292 clarified the process and terminology related to issuance of bonds. Changes include:

- an action to contest the validity of the bonds must now be brought within 30 days after the date of the adoption of the resolution calling for the sale of bonds, not after the date of sale;
- the issuance of bond or grant anticipation notes can be based on the total amount of the loan or grant that is committed;
- the submission of bids electronically at a public sale of bonds is authorized;
- variable rate refunding bonds may be issued if there is expected to be less interest payable than the interest payable on the refunded bonds; and
- refunding bonds need not be subject to redemption after one-half of the bond's term.

SB 333 Frank Smith
Revise laws relating to school retirement costs from certain federal funds
Chapter Number: 405 Effective Date: 4/25/05

SB 333 reverses a portion of the retirement cost restrictions placed on districts in HB 424 of the 2003 session. Effective for FY05 (i.e., for retirement costs incurred after 7/1/04), a school district may use the district retirement fund to pay retirement costs for employees whose salaries and health benefits are paid with federal Impact Aid funds. SB 333 only affects the retirement costs associated with employees paid from the Impact Aid fund. Retirement costs for employees paid from other federal funds must still be charged to the federal program.

SB 333 also clarifies that retirement costs of staff employed by cooperatives and paid with Medicaid funds are allowable charges to the retirement fund.

SB 359 Bob Story
Revise statutes related to school district enrollment
Chapter Number: 215 Effective Date: 7/1/05

SB 359 increases the aggregate number of hours that a student must be enrolled in order to count as a full-time pupil. "Aggregate hours" means the hours of pupil instruction for which a school course or program is offered or for which a pupil is enrolled. For the purpose of calculating average number belonging (ANB), enrollment in an education program is defined as follows:

- 181 to 359 aggregate hours = One-quarter time enrollment
- 360 to 539 aggregate hours = One-half time enrollment
- 540 to 719 aggregate hours = Three-quarter time enrollment
- 720 aggregate hours or more = Full-time enrollment

Enrollment in a program for fewer than 180 aggregate hours of pupil instruction per school year may not be included for ANB purposes. A student who is enrolled concurrently in more than one school may not be counted as more than one full-time student for ANB purposes.

With the exception of students that receive services in a private program under an individualized education plan and students who are incarcerated, enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services required by the accreditation standards adopted by the Board of Public Education.

SB 359 clarifies the conditions under which an enrolled student will generate ANB funding for a school district. A district may only include, for ANB purposes, an enrolled pupil who is:

- a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;
- unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;
- participating in the Running Start Program at district expense under 20-9-706, MCA;
- receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;
- enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district; or
- a resident of the district attending a Montana job corps program under an interlocal agreement with the district under 20-9-707, MCA.

In order for a student who is served through distance learning or offsite delivery methods to be included in the calculation of average number belonging, the pupil must meet the residency requirements for that district as provided in 1-1-215, MCA; live in the district and must be eligible for educational services under the Individuals with Disabilities Education Act or under 29 U.S.C. 794; or attend school in the district under a mandatory attendance agreement as provided in 20-5-321, MCA.

SB 359 also allows for the payment of tuition for the duration of the school year for a student who has reached the age of 18 and who is under protective care of a state agency, has been adjudicated by a court, or is in a foster care placement or a group home.

SB 525 Jon Tester
School funding formula study
Chapter Number: 371

Effective Date: 4/25/05

SB 525 creates a Quality Schools Interim Committee. By December 1, 2005, the committee will construct a new funding formula for K-12 education. The committee is responsible for assessing the educational needs of children served by the basic system of free quality elementary and secondary schools, as defined by the Legislature in SB 152 and determining the costs of providing the basic system. Resources that the committee may use in its cost analysis include studies authorized or conducted by the committee and existing studies completed by reputable and reliable experts. The committee will also determine the state's share of the total costs of the basic system and construct a funding formula. The committee is directed to prepare legislation to implement the new funding formula.

The members of the Quality Schools Interim Committee are four members of the House of Representatives, two from each party; four members of the Senate, two from each party; and three ex-officio, non-voting members including the Superintendent of Public Instruction or the Superintendent's designee, the Governor or the Governor's designee, and the presiding officer of the Board of Public Education or the presiding officer's designee.

On or before October 1, 2005 the committee shall issue a report on the committee's preliminary findings and recommendations. The Legislature appropriated \$200,000 in HB 2 to fund the work of the interim committee.

Failed Legislation -- School Finance

HB 74 Rosalie Buzzas
Authorized use of school transportation
levy for field trips

HB 124 Tom Facey
K-12 health insurance program

HB 229 Gordon Hendrick
Provide funding for school flexibility
account

HB 309 Bill Glaser
Annually adjust school funding schedules
for inflation

HB 111 Gary Branae
Per-educator entitlement

HB 125 Holly Raser
Revise BASE aid for schools

HB 292 Veronica Small-Eastman
Allocate oil and gas revenue to county
schools based on enrollment

HB 410 Tom Facey
Revise date of lien and taxation for new
construction

HB 448 Elsie Arntzen
Allow schools to establish savings funds

HB 511 Dave Gallik
Education funding from increased natural gas production

HB 571 Pat Wagman
Revise property taxes by reducing state equalization aid levy

HB 632 John Sinrud
Performance audit of certain schools

HB 673 Edward Butcher
Alternate driver education program

HB 686 John Parker
Video game and movie transaction tax for funding after-school programs

HB 792 Roger Koopman
Statewide school property tax reduction for excess budget surplus

SB 010 Rick Laible
Require funding before school rules with fiscal impact implemented

SB 019 Jeff Mangan
Revise taxation of new or expanded business enterprise property

SB 177 Don Ryan
Revise ANB funding

SB 341 Kim Gillan
State funding with increase direct aid, GTB, and entitlements

SB 513 Jim Elliott
Assure the accurate determination and collection of Montana taxes

HB 495 Roger Koopman
Authorize endowments for schools

HB 523 John Sinrud
Distribute lottery proceeds to county retirement fund

HB 621 Edward Butcher
Count students in nonpublic or home schools in district's ANB calculations

HB 672 Edward Butcher
Authorize transfer of school general fund balance to flex fund

HB 676 Rick Maedje
Allocate part of income taxes derived from natural resource projects to schools

HB 716 Gary MacLaren
Increase level of exemption for class 8 property

HR 003 Dave Gallik
Resolution urging federal money for Indian Education for All

SB 013 Rick Laible
Include pupils educated via distance learning in definition of ANB

SB 147 Don Ryan
Revise payment of school retirement costs

SB 184 Jeff Mangan
Local option sales tax

SB 437 Jim Elliott
Exclude state school levies from TIFs and require local school approval

SB 516 Kim Gillan
Revise certain tax appeal and penalty provisions

SB 520 Jim Elliott

Revise income taxes; residential property
tax rebate; rates; capital gains freeze

STATE LANDS

HB 350 Edward Butcher

Revise deposit amounts for state land leases

Chapter Number: 89

Effective Date: 3/24/05

HB 350 increases the bid deposit amounts for state grazing and agricultural leases to 100% of the annual grazing rental and \$20/agricultural acre.

HB 450 Mike Jopek

Revise state land management

Chapter Number: 335

Effective Date: 7/1/05

HB 450 clarifies the Land Board's obligation to manage state trust lands and funds to secure the largest measure of legitimate and reasonable advantage to the state and provide for the long-term financial support of education. The Land Board and the Department of Natural Resources and Conservation, when preparing plans or proposals for commercial development, must implement review criteria in consideration of the following local government provisions except to the extent that the provisions violate Article X, section 4 or 11, or the Montana Constitution:

- a growth policy or a neighborhood plan adopted pursuant to Title 76, chapter 1;
- zoning regulations;
- subdivision review as provided in Title 76, Chapter 3;
- annexation;
- plans for the extension of services; and
- other actions related to local planning.

HB 612 Rick Maedje

Revise application procedures for commercial timber removal

Chapter Number: 101

Effective Date: 10/1/05

HB 612 amends existing law to simplify the procedure for state land timber sales under 30,000 board feet in volume.

HJ 033 Alan Olson
Study contract timber harvesting

HJ 33 directs the Environmental Quality Council to examine the issues surrounding contract timber harvesting on state trust lands. The results of the study will be presented to the 2007 Legislature.

Failed Legislation -- State Lands

HB 599 Veronica Small-Eastman
DNRC authority to control noxious weeds on state lands

HJ 021 John Sinrud
Affirm state's jurisdiction over roads and right-of-ways on public lands

SB 142 Bill Tash
Authorize leasing and licensing of state lands for timber and forestry purposes

SB 337 Dan Weinberg
Revise restrictions on conservation easements on state land

HB 766 Brady Wiseman
Revise laws governing noxious weed management on state trust land

SB 096 Kelly Gebhardt
Authorize direct sale of logs from state land

SB 336 Lane Larson
Coal bed methane reclamation

SB 522 Jim Elliott
Remove incentives from oil and gas production taxes

TEACHER RECRUITMENT & RETENTION

Failed Legislation -- Teacher Recruitment and Retention

HB 130 Bernie Olson

Cap post retirement teaching to 3 years

HB 148 Carol Lambert

Provide actuarial funding for retirement systems

HB 151 Kathleen Galvin-Halcro

Waive some university tuition for K-12 teachers' continuing education credits

HB 181 John Musgrove

Increasing funding and adjusting benefits in TRS

HB 239 Dee Brown

Minimum benefit for retired disabled teachers

HB 329 Wayne Stahl

Eliminate allowing TRS and PERS retirees to be reemployed without benefit loss

HB 338 Larry Jent

Professional retirement option for TRS members

HB 620 Robyn Driscoll

Revise time for registering teacher certificate

HB 633 Larry Jent

Increase TRS GABA adjustment

SB 219 John Brueggeman

Income tax credit related to repayment of certain student loans

SB 414 Kim Gillan

Retirement incentive for teachers

INDEX OF K-12 EDUCATION-RELATED BILLS

Bill	Sponsor	Short Title	Pass/ Fail	Category
HB 002	John Witt	General appropriations	P	Appropriations
HB 003	John Witt	Supplemental appropriations act	F	Appropriations
HB 004	John Musgrove	Appropriations normally made by budget amendment	P	Appropriations
HB 013	Rick Ripley	Pay plan for state employees	F	Appropriations
HB 020	Sue Dickenson	Revise eligibility criteria for admittance to school for deaf and blind	P	At-Risk Youth
HB 031	Don Roberts	Establish office of substance abuse prevention and treatment	F	At-Risk Youth
HB 044	Sue Dickenson	Exempt school for deaf and blind from nongeneral fund expenditure requirement	P	Appropriations
HB 045	Alan Olson	Revise sick leave laws	P	Emp. Relations
HB 047	Kathleen Galvin-Halcro	Funding for full-time kindergarten	F	Appropriations
HB 052	Jill Cohenour	Child passenger safety violation as primary offense	F	Safety
HB 063	Dan Villa	School finance revision	P	School Finance
HB 067	Larry Jent	Revise Montana procurement act	P	School Finance
HB 074	Rosalie Buzzas	Authorized use of school transportation levy for field trips	F	School Finance
HB 083	Margarett Campbell	Revise school district tuition payments	P	School Finance
HB 091	Christopher Harris	Prohibit open containers in vehicles	F	Safety
HB 111	Gary Branae	Per-educator entitlement	F	School Finance
HB 112	John Musgrove	Encourage teleworking	P	Emp. Relations
HB 122	Veronica Small-Eastman	Restrict and clarify use of publicly owned vehicles	F	Emp. Relations
HB 124	Tom Facey	K-12 health insurance program	F	School Finance
HB 125	Holly Raser	Revise BASE aid for schools	F	School Finance
HB 126	Scott Mendenhall	Revise workers' compensation laws	P	Emp. Relations
HB 130	Bernie Olson	Cap post retirement teaching to 3 years	F	Teachers
HB 137	Carol Juneau	Fund dropout prevention program	F	At-Risk Youth
HB 148	Carol Lambert	Provide actuarial funding for retirement systems	F	Teachers
HB 151	Kathleen Galvin-Halcro	Waive some university tuition for K-12 teachers' continuing education credits	F	Teachers
HB 162	Teresa Henry	School districts to retain copies of immunization records	P	Safety
HB 177	Alan Olson	Revise election procedure	P	Elections
HB 181	John Musgrove	Increasing funding and adjusting benefits in TRS	F	Teachers
HB 183	Eve Franklin	Medicaid redesign; severely emotionally disturbed children waiver proposal	P	At-Risk Youth

HB 202	Art Noonan	Revise payroll processing for terminating employees	F	Emp. Relations
HB 213	Dave Gallik	Generally revise public retirement laws under MPERA	P	Emp. Relations
HB 215	Mary Caferro	Revise reference to Developmental Disabilities Council	P	At-Risk Youth
HB 220	Bob Lake	Authorize electronic fund transfers between state and local governments	P	School Finance
HB 228	Kathleen Galvin-Halcro	Mandatory employee break time	F	Emp. Relations
HB 229	Gordon Hendrick	Provide funding for school flexibility account	F	School Finance
HB 237	Carol Juneau	Unemployment for noncertified school employees during closures	F	Emp. Relations
HB 239	Dee Brown	Minimum benefit for retired disabled teachers	F	Teachers
HB 253	Christopher Harris	Revise tie breaker method for tied elections	F	Elections
HB 258	Dave Wanzenried	Implement Indian hiring preference for certain school districts	F	Emp. Relations
HB 261	Michael Lange	Prohibit government employment discrimination on previous salary level	F	Emp. Relations
HB 265	Elsie Arntzen	Employment and residence restrictions on violent and drug offenders	F	Emp. Relations
HB 292	Veronica Small-Eastman	Allocate oil and gas revenue to county schools based on enrollment	F	School Finance
HB 297	Brady Wiseman	Require use of paper ballots in all elections	P	Elections
HB 302	Robyn Driscoll	Revise code of conduct concerning bond or levy elections	P	Elections
HB 309	Bill Glaser	Annually adjust school funding schedules for inflation	F	School Finance
HB 310	Bill Glaser	Review definition of basic system and educationally relevant factors	F	Accred/Curric.
HB 311	Bill Glaser	Define basic system of free quality public schools	F	Accred/Curric.
HB 314	Ed Butcher	Define education and its component parts	F	Accred/Curric.
HB 317	Robin Hamilton	Allow school boards to meet in places other than schools	P	Governance
HB 329	Wayne Stahl	Eliminate allowing TRS and PERS retirees to be reemployed without benefit loss	F	Teachers
HB 335	Veronica Small-Eastman	Require Native American member on all state boards	F	Governance
HB 336	Michael Lange	Revise developmental disability services	F	At-Risk Youth
HB 338	Larry Jent	Professional retirement option for TRS members	F	Teachers
HB 350	Ed Butcher	Revise deposit amounts for state land leases	P	State Lands
HB 369	Dave Gallik	Fund cost of taking college admission exam	F	Appropriations
HB 372	Christopher Harris	Transfer money from state lottery to OPI for grant writer position	F	Appropriations
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HB 398	Tim Dowell	Primary seat belt law for minors	F	Safety
HB 404	Roger Koopman	Restrict subjects of school district collective bargaining regarding volunteers	F	Emp. Relations
HB 410	Tom Facey	Revise date of lien and taxation for new construction	F	School Finance
HB 415	Verdell Jackson	Define quality education	F	Accred/Curric.
HB 416	Dave Gallik	Creating taskforce to define basic system of quality schools	F	Accred/Curric.
HB 418	Jim Keane	Revise the definition of supervisory employee regarding collective bargaining	P	Emp. Relations
HB 435	Gary Branae	Establish Governor's Post Secondary Scholarship Program	P	Appropriations
HB 436	Dennis Himmelberger	Developer option of donating land to school district	P	School Finance
HB 438	Rosalie Buzzas	Braille literacy services for blind or visually impaired children	P	At-Risk Youth
HB 447	Dave Gallik	Increase state employee pay	P	Emp. Relations
HB 448	Elsie Arntzen	Allow schools to establish savings funds	F	School Finance
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HB 456	Roger Koopman	Charter schools and charter school districts	F	Governance
HB 462	Rosalie Buzzas	Early childhood school readiness initiative	F	Accred/Curric.
HB 465	Bernie Olson	Authorize creating of satellite polling places	F	Elections
HB 471	Jack Ross	Provide for appointed superintendent of public instruction	F	Governance
HB 495	Roger Koopman	Authorize endowments for schools	F	School Finance
HB 505	Gary Matthews	Install interactive videoconferencing system at Pine Hills	F	At-Risk Youth
HB 508	Gordon Hendrick	Clarify application of VEBA	P	Emp. Relations
HB 511	Dave Gallik	Education funding from increased natural gas production	F	School Finance
HB 523	John Sinrud	Distribute lottery proceeds to county retirement fund	F	School Finance
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HB 550	Jonathan Windy Boy	Fund youth leadership forum for students with disabilities	P	At-Risk Youth
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HB 571	Pat Wagman	Revise property taxes by reducing state equalization aid levy	F	School Finance
HB 574	Gary Branae	Revise level of voter approval for school bond elections	P	Elections
HB 578	Veronica Small-Eastman	Restrict food and beverage vending machines in schools	F	Safety
HB 589	Wayne Stahl	Revise workforce training laws	F	Emp. Relations
HB 590	Rosalie Buzzas	Revise elector reactivation	P	Elections
HB 593	Roger Koopman	Prohibit lobbying by certain public employees	F	Emp. Relations
HB 595	Carol Juneau	Clarify gender/racial balance for election judges; satellite absentee voting	F	Elections

HB 599	Veronica Small-Eastman	DNRC authority to control noxious weeds on state lands	F	State Lands
HB 612	Rick Maedje	Revise application procedures for commercial timber removal	P	State Lands
HB 620	Robyn Driscoll	Revise time for registering teacher certificate	F	Teachers
HB 621	Ed Butcher	Count students in nonpublic or home schools in district's ANB calculations	F	School Finance
HB 623	Gary MacLaren	Clarify roads on which school buses make stops	F	Safety
HB 624	Dan Villa	Hold school districts harmless for disequalized budget status	P	School Finance
HB 628	Paul Clark	Registration and board requirements for certain alternative schools and programs	P	At-Risk Youth
HB 629	Roger Koopman	Alternate teacher certification procedure	F	Emp. Relations
HB 632	John Sinrud	Performance audit of certain schools	F	School Finance
HB 633	Larry Jent	Increase TRS GABA adjustment	F	Teachers
HB 643	Tim Dowell	Eliminate smoking in enclosed public places	P	Safety
HB 652	Jill Cohenour	Allow school buses to cross district boundaries in certain cases	P	Governance
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HB 672	Ed Butcher	Authorize transfer of school general fund balance to flex fund	F	School Finance
HB 673	Ed Butcher	Alternate driver education program	F	School Finance
HB 676	Rick Maedje	Allocate part of income taxes derived from natural resource projects to schools	F	School Finance
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HB 683	Dee Brown	Transfer school bus inspections from Justice to law enforcement	F	Safety
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HB 747	Robyn Driscoll	Limit liability for student construction projects	P	Safety
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HB 792	Roger Koopman	Statewide school property tax reduction for excess budget surplus	F	School Finance
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HJ 017	Dave McAlpin	Urge physical activity to enhance health	P	Safety

HJ 021	John Sinrud	Affirm state's jurisdiction over roads and right-of-ways on public lands	F	State Lands
HJ 026	Christopher Harris	Study state financial reliance on federal funds; implications of federal budget deficits	P	School Finance
HJ 033	Alan Olson	Study contract timber harvesting	P	State Lands
HJ 035	Elsie Arntzen	Study resolution regarding student self-medication at school	F	Safety
HR 003	Dave Gallik	Resolution urging federal money for Indian Education for All	F	School Finance
SB 002	Rick Laible	Recognizing authority to display national motto and historical documents	P	Accred/Curric.
SB 010	Rick Laible	Require funding before school rules with fiscal impact implemented	F	School Finance
SB 013	Rick Laible	Include pupils educated via distance learning in definition of ANB	F	School Finance
SB 019	Jeff Mangan	Revise taxation of new or expanded business enterprise property	F	School Finance
SB 033	John Cobb	Eliminate unified budget requirements for interagency coordinating council	P	At-Risk Youth
SB 038	Trudi Schmidt	Double traffic fines in school zones	P	Safety
SB 041	Bob Keenan	Medicaid redesign: funding principles	P	At-Risk Youth
SB 042	Bob Keenan	Clarify system of care and service area authority for children's mental health	P	At-Risk Youth
SB 043	Mike Cooney	Seatbelt violation as primary offense	F	Safety
SB 048	Dan Harrington	Stop class 8 property tax reduction	P	School Finance
SB 053	Carolyn Squires	Revise law on reduction-in-force and relocation expenses	P	Emp. Relations
SB 054	Carolyn Squires	Clarify state mileage reimbursement rate for use of a private vehicle	P	Emp. Relations
SB 057	Rick Laible	Clarify restriction on job corp students as district ANB	P	School Finance
SB 064	Jon Brueggeman	Revise contractor registration laws	P	Emp. Relations
SB 072	Jeff Mangan	Continuation of health insurance as retirement incentive	F	Emp. Relations
SB 078	Dan Harrington	Increase minimum wage	F	Emp. Relations
SB 080	Gary Perry	Prohibit open alcohol containers in vehicles	P	Safety
SB 086	Frank Smith	Montana definitions for Indian Child Welfare Act	P	At-Risk Youth
SB 088	Carolyn Squires	Permanent absentee voter registration	P	Elections
SB 096	Kelly Gebhardt	Authorize direct sale of logs from state land	F	State Lands
SB 101	Trudi Schmidt	Require registration of youth residential therapeutic programs	F	At-Risk Youth
SB 104	Kim Gillan	Graduated driving privileges	P	Safety
SB 108	Dave Lewis	Revise laws governing independent contractors	P	Emp. Relations
SB 110	John Cobb	Medicaid redesign; HIFA and 1115 demonstration waiver authority	P	At-Risk Youth
SB 118	Mike Wheat	Revise employment-related protection for National Guard	P	Emp. Relations
SB 127	Bob Keenan	Medicaid redesign; home and community-based services	P	At-Risk Youth

SB 142	Bill Tash	Authorize leasing and licensing of state lands for timber and forestry purposes	F	State Lands
SB 147	Don Ryan	Revise payment of school retirement costs	F	School Finance
SB 148	Dan McGee	Criminal records checks for IT professionals	F	Emp. Relations
SB 149	Jesse Laslovich	State service contracts to be performed by citizen, legal alien or visa holder	F	Emp. Relations
SB 150	Bob Keenan	Medicaid redesign; cost-sharing for community-based Medicaid services	F	At-risk Youth
SB 152	Don Ryan	Define basic system of free quality public schools	P	Accred/Curric.
SB 156	Mike Cooney	Raise CHIP eligibility through federal poverty level percentage	F	At-Risk Youth
SB 170	Jeff Mangan	Flexibility in school calendar and PIRD	P	Accred/Curric.
SB 177	Don Ryan	Revise ANB funding	F	School Finance
SB 182	Kim Gillan	Count absentee ballots cast by voters who die before election day	P	Elections
SB 184	Jeff Mangan	Local option sales tax	F	School Finance
SB 198	Sam Kitzenberg	Require adoption of anti-bullying policies	F	Safety
SB 199	Ken Toole	Include sexual orientation in human rights and other law	F	At Risk-Youth
SB 202	Ken Toole	Include sexual orientation, disability and gender in malicious intimidation law	F	At-Risk Youth
SB 206	Dave Lewis	Apply 1-1-05 pay increase to all state employees	P	Emp. Relations
SB 219	John Brueggeman	Income tax credit related to repayment of certain student loans	F	Teachers
SB 224	Jesse Laslovich	Allow off-site educational services	P	Accred/Curric.
SB 227	Jesse Laslovich	Reduce nontenured teacher probation period	F	Emp. Relations
SB 234	Mike Cooney	Revising identification requirements for voter registration and voting	F	Elections
SB 271	Jim Elliott	Adjust guaranteed tax base for property tax protests	P	School Finance
SB 280	Carolyn Squires	Revise definition of wages for work comp	F	Emp. Relations
SB 291	Don Ryan	Quality home school and child protection act	F	Accred/Curric
SB 292	Greg Barkus	Revise state and local government finance laws	P	School Finance
SB 302	Jon Ellingson	Generally revise election laws	P	Elections
SB 313	Rick Laible	Establish Montana online school	F	Accred/Curric.
SB 333	Frank Smith	Revise laws relating to school retirement costs from certain federal funds	P	School Finance
SB 336	Lane Larson	Coal bed methane reclamation	F	State Lands
SB 337	Dan Weinberg	Revise restrictions on conservation easements on state land	F	State Lands
SB 341	Kim Gillan	State funding with increase direct aid, GTB and entitlements	F	School Finance
SB 357	Carolyn Squires	Criminal background check required before licensing social workers	F	Emp. Relations
SB 359	Bob Story	Revise statutes related to school district enrollment	P	School Finance

SB 363	Carol Williams	Revise special education laws	P	At-Risk Youth
SB 367	Mike Cooney	Implement same day voter registration	F	Elections
SB 383	Vicki Cocchiarella	Stipend for speech-language pathologist teachers	F	Emp. Relations
SB 407	Duane Grimes	Revise minor in possession law	P	Safety
SB 414	Kim Gillan	Retirement incentive for teachers	F	Teachers
SB 419	Don Ryan	Revise moratorium on creation of new school districts	F	Governance
SB 437	Jim Elliott	Exclude state school levies from TIFs and require local school approval	F	School Finance
SB 444	Frank Smith	Revise purchase of military service in certain public retirement systems	F	Emp. Relations
SB 451	Mike Wheat	Revise speech-language and audiologists licensing laws	P	Emp. Relations
SB 460	Dan Weinberg	Clarify mail ballot bond election for unified school district	P	Elections
SB 467	John Esp	High deductible health savings account option for state employees	F	Emp. Relations
SB 468	Jeff Mangan	Revise law on temporary restraining orders	F	Safety
SB 487	Gerald Pease	Revise laws on school bus safety	P	Safety
SB 490	Joe Tropila	Allow state employees to serve as election judges while on state time	F	Emp. Relations
SB 496	Mike Cooney	Enhance statewide driver education programs for novices and seniors	F	Accred/Curric.
SB 500	John Cobb	Revise election laws to facilitate voting by disabled persons	P	Elections
SB 513	Jim Elliott	Assure the accurate determination and collection of Montana taxes	F	School Finance
SB 516	Kim Gillan	Revise certain tax appeal and penalty provisions	F	School Finance
SB 520	Jim Elliott	Revise income taxes; residential property tax rebate; rates; capital gains freeze	F	School Finance
SB 522	Jim Elliott	Remove incentives from oil and gas production taxes	F	School Finance
SB 525	Jon Tester	School funding formula study	P	School Finance
SJ 005	Trudi Schmidt	Resolution to study truancy in public schools	F	At-Risk Youth
SJ 008	Ken Toole	Resolution supporting separation of church and state and quality science education	F	Accred/Curric.
SJ 012	Sam Kitzenberg	Resolution promoting civic education in schools	P	Accred/Curric.
SJ 019	Jim Elliott	Resolution on the USA PATRIOT Act	P	Governance



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