

# K-12 EDUCATION

---

2009 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

---

## TABLE OF CONTENTS

|  |    |
|--|----|
| Accreditation/Curriculum.....              | 2  |
| Appropriations.....                        | 5  |
| At-Risk Youth.....                         | 15 |
| Elections.....                             | 18 |
| Employment Relations.....                  | 21 |
| Governance.....                            | 27 |
| Higher Ed.....                             | 31 |
| Safety.....                                | 33 |
| School Finance.....                        | 35 |
| State Lands .....                          | 47 |
| Teacher Recruitment & Retention.....       | 52 |
| Index of K-12 Education Related Bills..... | 54 |

---

## CONTRIBUTORS

---

|                       |                      |                         |
|-----------------------|----------------------|-------------------------|
| Joan Anderson, OPI    | Erik Burke, MEA-MFT  | Dave Puyer, MREA        |
| Tom Antonick, OPI     | Eric Feaver, MEA-MFT | Madalyn Quinlan, OPI    |
| Tom Bilodeau, MEA-MFT | Ann Gilkey, OPI      | Darrell Rud, SAM        |
| Lynda Brannon, MASBO  | Beverly Marlow, OPI  | Bob Runkel, OPI         |
| Eddie Black, MTSBA    | Lance Melton, MTSBA  | Joyce Silverthorne, OPI |
| Shawn Bubb, MTSBA     | Faith Moldan, OPI    | Bob Vogel, MTSBA        |

**PLEASE NOTE:** This document contains brief summaries of bills relating to K-12 education that were considered by the Montana Legislature during the 2009 Legislative Session. The summaries are not offered as legal advice nor as a definitive interpretation of these bills. For a more comprehensive understanding of these laws, please consult the original legislation and/or one of the associations that participated in developing these summaries.

This summary is posted on the OPI website at:

<http://www.opi.mt.gov/pdf/Superintendent/09LegSummary.pdf>

---

## ACCREDITATION/CURRICULUM

---

**HB 61 Jon Sesso**

**Revise interlibrary program**

**Chapter: 47            Effective date: 7/1/09**

HB 61 replaces the state's interlibrary loan reimbursement program with a statewide interlibrary resource-sharing program. It also replaces the state multilibrary card with a statewide library access program.

The purpose of the statewide interlibrary resource-sharing program is to support and facilitate resource-sharing among libraries in Montana. These libraries include public libraries and library districts, libraries operated by public schools or school districts, public colleges or universities, tribal libraries, libraries operated by public agencies for institutionalized persons and libraries operated by nonprofit, private medical, educational, or research institutions. Libraries participating in the voluntary statewide library access program may allow access to the library's materials and services by patrons registered and in good standing with another library.

The state library commission may adopt rules and procedures for the distribution of state aid to public libraries and library districts on a per capita and per square mile basis.

---

**HB 459 Wanda Grinde**

**Create and fund K-12 distance learning network**

**Chapter: 417            Effective Date: 7/1/09**

HB 459 creates a Montana virtual academy for K-12 education at a unit of the Montana University System with a governing board to oversee a program director. The governing board will have equal representation from OCHE, OPI, a Montana licensed teacher, a dean of the school of education, and two non-voting officers. The director shall develop and, upon approval of the governing board, implement policies and guidelines for the Montana virtual academy pertaining to: (a) course offerings; (b) software and hardware selection; (c) instructor selection; (d) partnering school agreements; (e) instructor training and curriculum development; (f) course evaluation; (g) grant opportunities; and (h) other activities that are essential to the success of a statewide distance learning program. HB 459 requires the governing board to report to the 62<sup>nd</sup> Legislature on its use of the \$2 million state general fund appropriation provided in HB 645 and on its future recommendations.

---

**HB 464 Jesse O'Hara****Improve agricultural education****Chapter: 418      Effective Date: 10/1/09**

HB 464 advances agricultural education in Montana by providing incentives for school districts to improve agriculture education programs. HB 464 establishes a program account in the state special revenue fund provided for in §17-2-102, MCA. Money in the account must be used by the Office of Public Instruction (OPI) for addressing the stability of and making improvements to Montana's agricultural education programs. The OPI shall adopt rules to implement the national quality program standards for secondary agricultural education developed by the National Council for Agricultural Education.

- Each agricultural education program in the state that completes the national quality program standard evaluation and submits a plan of improvement to the OPI agricultural education specialist must receive a one-time payment of \$500.
- Each agricultural education program in the state that submits a detailed budget to increase the quality of its agricultural education program based on its plan of improvement may receive a one-time payment of up to \$1,000.
- Each school that adds agricultural education to its curriculum and recruits and retains an endorsed agricultural education teacher must receive a one-time payment of up to \$7,500.
- Program administrators in Bozeman and Helena must receive a total of \$11,250 annually for the costs of providing a minimum of one on-site visit each year to each participating school.

---

**HJ 27 Franke Wilmer****Urge learning and use of first nations names in their own language**

HJ 27 urges all educators, journalists, and public speakers in Montana to learn and use, when writing and speaking, the names of each tribe in Montana as used in the tribe's own language, as follows:

- Amskapi Pikuni (Blackfeet, Blackfeet Reservation)
- A'aniinen (Gros Ventres, Fort Belknap Reservation)
- Apsalooke (Crow, Crow Reservation)
- Dakota (Sioux, Fort Peck Reservation)
- K'tanaxa (Kootenai, Flathead Reservation)
- Nakoda (Assiniboine, Fort Belknap Reservation)

- Nakona (Assiniboine, Fort Peck Reservation)
- Anishinabe (Chippewa, Rocky Boy's Reservation and Little Shell Tribe)
- Qlispe (Pend d'Oreille, Flathead Reservation)
- Sqeilo (Salish, Flathead Reservation)
- Tse' tsehestahese (Cheyenne, Northern Cheyenne Reservation)
- Ne-iyah-wahk (Cree, Rocky Boy's Reservation)

For pronunciations, go to the OPI website at:

<http://www.opi.mt.gov/indianed2/IEFABackground.html>

---

**SB 196 Jonathan Windy Boy**

**Designate American Indian Heritage Day**

**Chapter: 93            Effective Date: 10/1/09**

SB 196 establishes an American Indian heritage day for the state of Montana. American Indian heritage day is the last Friday in September of each year and is recognized as a day of observance to commemorate Montana's American Indians and their valued heritage and culture. On this day, all Montanans are urged to reflect on and celebrate American Indian culture and heritage.

---

**Failed Legislation -- Accreditation/Curriculum**

**HB 433 Sue Malek**

Revise ages for compulsory school enrollment

**HB 468 Jill Cohenour**

Allow hunter education to be taught in public schools

**HB 474 Dave McAlpin**

Encourage increased youth physical activity

**HB 596 Teresa Henry**

Healthy youth sex education

**SJ 23 Lynda Moss**

Resolution promoting Children in Nature

**SJ 34 Carol Juneau**

Study educational achievement

---

# APPROPRIATIONS

---

**HB 2 Jon Sesso**

**General appropriations act**

**Chapter: 488      Effective Date: 7/1/09**

HB 2 contains the majority of state agency appropriations for the biennium beginning July 1, 2009. These appropriations include \$770.887 million in FY 2010 and \$776.929 million in FY 2011 for distributions of state and federal aid to local education agencies.

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

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

- **K-12 BASE Aid**

Appropriates \$514.057 million in FY 2010 and \$515.379 million in FY 2011 for K-12 BASE aid to implement HB 676 and other legislation that affected state support for K-12 schools. The distributions to school districts that are included in the K-12 BASE aid appropriations are the basic and per-ANB entitlements, guaranteed tax base aid, quality educator payments, Indian Education for All payments, American Indian Achievement Gap payments, and school district audit payments.

HB 676 provides a one percent increase in the basic and per-ANB entitlement in FY 2010 and a three percent increase in FY 2011. No increases were provided for the quality educator payment, Indian Education for All payment, American Indian Achievement Gap payment, or school district audit payments. The at-risk student payment was not funded for the 2011 biennium, thus reducing that payment by \$5 million annually from the previous biennium.

The appropriation for K-12 BASE aid shown in HB 2 (page E-1) is \$528.671 million in FY 2010 and \$541.159 million in FY 2011. HB 645 (Section 72) contains language stating if HB 645 appropriates funding to the Office of Public Instruction for Stabilization for K-12 Education, then the general fund appropriation in HB 2 for K-12 BASE aid is reduced by \$14.613 million in FY 2010 and by \$25.779 million in FY 2011.

The combined appropriations in HB 2, HB 645, and from the guarantee account increase the K-12 BASE aid payments to schools by \$68.387 million in the 2011

biennium above the FY 2008 base budget level. Compared to the FY 2009 funding levels, the K-12 BASE aid appropriation is increased by \$45.399 million.

- **Transportation Aid**

Appropriates \$12.338 million in FY 2010 and \$12.338 million in FY 2011 for state reimbursements to school districts for pupil transportation. These appropriations are the same as the FY 2008 base expenditure level. The OPI requested an additional \$500,000 for the 2011 biennium for anticipated cost increases due to changes in the number of bus miles and the size of the buses approved by county school transportation committees. This request was denied.

- **Special Education**

Appropriates \$40.413 million in FY 2010 and \$40.413 million in FY 2011 for state special education payments to schools. The appropriations in HB 2 are the same as the FY 2008 base expenditure level. In addition, HB 645 appropriates \$1.233 million in FY 2010 and \$1.233 million in FY 2011 for state special education payments to schools. In combination, these two bills maintain the state's level of effort at the FY 2009 level as required by federal maintenance of effort provisions.

- **School Facility Payments**

Appropriates \$9.744 million in each year of the 2011 biennium for school facility payments to school districts that are eligible for guaranteed tax base aid and have outstanding bonded indebtedness. The appropriations maintain the state funding for school facility payments at the FY 2008 base expenditure level. The OPI requested an additional \$1.050 million for the 2011 biennium in anticipation of increases in the issuance of school district general obligation bonds. This request was denied.

- **In-State Treatment**

Appropriates \$787,800 in each year of the 2011 biennium for education services for students in in-state treatment facilities. The appropriations maintain the state funding for in-state treatment at the FY 2008 base expenditure level.

- **Secondary Vocational Education**

Appropriates \$1,000,000 in each year of the 2011 biennium for secondary vocational education programs. The appropriations maintain the state funding for secondary vocational education at the FY 2008 base expenditure level.

- **Adult Basic Education**

Appropriates \$524,998 in each year of the 2011 biennium for adult basic education

programs. The appropriations maintain the state funding for adult basic education at the FY 2008 base expenditure level.

- **Gifted and Talented Grant Program – On-going and OTO**

Appropriates \$246,982 in each year of the 2011 biennium for school district gifted and talented programs. The appropriations maintain the state funding for gifted and talented programs at the FY 2008 base expenditure level. No one-time-only monies were appropriated for gifted and talented programs.

- **School Foods**

Appropriates \$648,655 in each year of the 2011 biennium for school nutrition programs. The appropriations maintain the state funding for school nutrition programs at the FY 2008 base expenditure level.

- **HB 124 Block Grants**

Appropriates \$51.757 million in FY 2010 and \$52.151 million in FY 2011 for block grants to schools and counties. These appropriations comply with the requirement in § 20-9-630, MCA, which provides for an annual 0.76 percent increase in school district block grants. The HB 124 block grants for K-12 education increase by \$1.949 million in the 2011 biennium. The block grants originated from HB 124 in the 2001 legislative session.

- **State Tuition Payments**

Appropriates \$477,230 in each year of the 2011 biennium for tuition payments to schools that enroll students placed by state agencies or courts under mandatory attendance agreements. The appropriations maintain the state funding for state tuition payments at the FY 2008 base expenditure level. The OPI requested an increase of \$241,913 for the 2011 biennium to pay tuition to school districts for the education of students living in homeless shelters. This request was denied.

- **At-Risk Payment**

Appropriates \$1 in each year of the 2011 biennium for at-risk student payments under § 20-9-328, MCA to the school district general funds. The \$1 funding is intended to provide a placeholder for future biennia. This reduces funding for the at-risk student payment by \$10 million compared to the 2009 biennium.

- **Traffic and Safety Education**

Appropriates \$750,000 in each year of the 2011 biennium for driver's education programs provided by school districts. The appropriations maintain the state funding for traffic education programs at the FY 2008 base expenditure level. Traffic



and Safety Education revenues are generated from a percentage of the driver's license fee and commercial driver's license fees.

- **HB 464 – Advancing Agricultural Education in Montana**  
Appropriates \$110,750 in FY 2010 and \$113,250 in FY 2011 from the state general fund to school districts to support secondary agricultural education programs and implement HB 464.
- **Federal Grant Awards**  
Appropriates \$138.029 million in FY 2010 and \$142.354 million in FY 2011 for distribution of federal education grant monies to school districts. The majority of this funding is provided to schools through the No Child Left Behind Act and the Individuals with Disabilities Education Act.
- **Indian Education for All - OTO**  
No new on-going or OTO funding was appropriated for Indian Education for All in the 2011 biennium. (For the 2009 biennium, the Legislature appropriated \$1.5 million in one-time only payments for Indian Education for All to be deposited in the school district miscellaneous programs fund. This appropriation was in addition to the \$20.40 per-ANB of on-going funding provided under §20-9-329, MCA to the school district general fund.)

## **OPI OPERATIONS AND TECHNICAL ASSISTANCE TO SCHOOLS, HB 2:**

- **OPI Agency Budget**  
Appropriates \$9.093 million in FY 2010 and \$9.149 million in FY 2011 from state general fund dollars for OPI state level activities.
- **Stipends for National Board Certification**  
Appropriates an additional \$21,000 annually to support stipends for teachers who achieve certification from the National Board for Professional Teaching Standards. The OPI already had \$12,000 in its base budget for stipends. The appropriation brings the total amount available for stipends to \$33,000 annually. The source of funding for the stipends is \$24,000 general fund monies, \$12,000 from the Board of Public Education's research fund, and \$30,000 from the Montana Rural Physicians Incentive Program.
- **State Special Revenues for School Lunch Programs and Traffic and Safety Education**  
Appropriates \$87,359 in FY 2010 and \$87,406 in FY 2011 for the School Lunch

Program. Revenues for the School Lunch Program are generated from reimbursements for the costs of shipping, handling, and other related costs of school food commodities. Appropriates \$142,056 in FY 2010 and \$142,101 in FY 2011 for OPI's administration of Traffic and Safety Education.

- **Federal Grant Award Adjustments**

Appropriates \$16.787 million in FY 2010 and \$21.188 million in FY 2011 for state level activities associated with federal programs administered by the OPI. The appropriations increase spending authority by \$10.556 million over the biennium in anticipation of increases in federal programs currently administered by the OPI.

In addition to the appropriations in HB 2, the OPI is statutorily appropriated from the state guarantee account an estimated \$53.263 million in FY 2010 and \$53.990 million in FY 2011 for K-12 BASE aid payments and \$1 million in FY 2010 and \$1 million in FY 2011 for grants for school technology purchases. Revenues for the state guarantee account are generated from state school trust lands. The guarantee account is the first source of funding for the K-12 BASE aid, and monies from the guarantee account offset expenditures that would otherwise be paid from the state general fund.

---

**HB 3 Duane Ankney**

**Supplemental appropriations**

**Chapter: 434      Effective Date: 5/5/09**

HB 3 provides supplemental appropriations for state agencies for the 2009 biennium. HB 3 appropriates an additional \$360,000 to the OPI to pay pupil transportation reimbursements to school districts for FY 2009 for bus mileage and parental mileage contracts. The OPI was one of several agencies to receive a supplemental appropriation through HB 3.

---

**HB 645 Jon Sesso**

**Implement receipt of and appropriate federal stimulus and recovery funds**

**Chapter: 489      Effective Date: 5/14/09**

**K-12 EDUCATION, HB 645:**

The federal American Recovery and Reinvestment Act allocated \$121.628 million to Montana for State Fiscal Stabilization Funds for education purposes. The Montana Legislature appropriated \$62.104 million to K-12 education and the remaining \$59.524 million to higher education.

- **State Fiscal Stabilization Funds – K-12 Education**

Appropriates \$25.331 million in FY 2010 and \$36.773 million in FY 2011 for K-12 BASE aid. Of these appropriations, \$14.613 million in FY 2010 is on-going and \$10.718 million is one-time only funding. For FY 2011, \$25.780 million is on-going and \$10.993 million is one-time only funding.

For the 2011 biennium, the first source of funding of guaranteed tax base aid and direct state aid is the portion of the stabilization funds that is designated as on-going. The on-going portion of these funds may be included in the base budget for the 2013 biennium and may be funded with general fund dollars in the present law base for the 2013 biennium executive budget.

The one-time only monies are allocated to school districts to provide the equivalent of a three percent increase in the basic and per-ANB entitlements in each year of the 2011 biennium. HB 645 (Section 63) directs the Superintendent of Public Instruction to recalculate the basic and per-ANB entitlements by increasing the HB 676 entitlement levels by two percent each year in FY 2010 and in FY 2011. This section also directs the Superintendent of Public Instruction to calculate the BASE budget, maximum general fund budget, direct state aid, and guaranteed tax BASE aid for each school district using the recalculated basic and per-ANB entitlements. HB 645 (Sections 24 and 25) provides levy authority to school districts to impose the BASE and over-BASE levies associated with a three percent annual increase in the entitlements. However, school districts must comply with the voting requirements as provided in §20-9-353, MCA.

At the end of the 2011 biennium, the basic and per-ANB entitlements will drop back down to the entitlement levels established in HB 676. (See HB 676, School Finance.)

- **State Special Education – Maintenance of Effort**

Appropriates \$1,233,764 in each year of the 2011 biennium from the state general fund for state special education allowable cost payments to school districts and special education cooperatives. This funding, coupled with the monies appropriated for state special education payments in HB 2, maintains the state support for special education at the FY 2009 level as required by federal maintenance of effort provisions.

HB 645 transfers \$35.034 million in FY 2010 from the state general fund to the school facility and technology account established in §20-9-516, MCA. These funds are then appropriated for the purposes described below.

- **Quick Start Energy Grants - OTO**

Appropriates \$14.95 million from the school facility and technology account to the Department of Commerce for discretionary grants to school districts for Quick Start Energy Improvement projects. The Department of Commerce must distribute the funds on a reimbursement basis from May 15, 2009 until September 30, 2009. Any quick start funds not obligated for reimbursement by September 30, 2009 must be used for the newly established Quality School Facilities Program authorized by HB 152.

These quick start grants are for projects that provide long-term, cost-effective benefits to school facilities. A school district may apply for funding for:

- 1) an energy audit or evaluation of the potential for energy savings in a school facility by a prequalified energy auditor; or
- 2) energy efficiency improvements that are based on an energy audit or evaluation and that are expected to achieve measurable energy efficiency and cost savings.

- **Deferred Maintenance and Energy Efficiency Improvements - OTO**

Appropriates \$20 million from the school facility and technology account to the Department of Commerce (DOC) for grants to school districts for deferred maintenance on school facilities and for making energy efficiency improvements. This funding is distributed to schools based upon the formula for distributing quality educator payments provided in §20-9-327, MCA. For this allocation, the number of quality educators for each district is based on personnel assignments reported to the OPI in October 2008. School districts must apply for the funding from the DOC and must spend the funds received by September 30, 2010. The DOC is authorized to retain 1.13 percent of the amount of the grants for administrative purposes. Unexpended funds revert to the state general fund.

- **School Facilities Program Administration and Grants**

Appropriates \$34,000 in FY 2011 from the school facility and technology account to the Department of Commerce for grants to school districts for infrastructure under the program created by HB 152. HB 152 contains an additional appropriation of \$12 million for the 2011 biennium. (See description for HB 152 under School Finance.)

- **Unallocated Funding**

Of the \$35.034 million transferred to the school facility and technology account, \$50,000 remains unappropriated.

HB 645 appropriates federal funds to the OPI for grants to school districts for existing federal education programs administered by the U. S. Department of Education and for school lunch programs administered by the U.S. Department of Agriculture. These federal programs and the amounts appropriated for distribution to school are shown below.

- School Lunch Equipment \$ 247,461
- Title I, Part A \$34,234,200
- IDEA, Special Education \$36,708,056
- Title II, Part D, Education Technology \$ 3,048,906
- Title I, Part A, School Improvement \$ 8,894,850
- IDEA, Pre-School \$ 1,260,947
- McKinney-Vento, Homeless Assistance \$ 201,600

The appropriation amounts used by the Legislature were based upon the best information available to the OPI during the legislative session; the final allocations to Montana for these programs are expected to vary. The funding will be distributed to schools in the spring and summer of 2009. In general, school districts have 27 months to expend these funds. Quarterly reporting is required for these funds for transparency and accountability purposes under the American Recovery and Reinvestment Act.

**OPI OPERATIONS AND TECHNICAL ASSISTANCE TO SCHOOLS, HB 645:**

Appropriates federal funds to the OPI for administration of federal education programs and technical assistance to schools as permitted by federal statute. These federal programs and the amounts appropriated for state level activities are shown below.

- Title I, Part A \$ 415,800
- Title II, Part D, Education Technology \$ 160,469
- Title I, Part A, School Improvement \$ 468,150
- McKinney-Vento, Homeless Assistance \$ 22,400

Appropriates \$50,000 of state general fund in FY 2010 to the OPI for deferred maintenance on facilities at the Montana Learning Center (at Canyon Ferry Lake) and for making energy efficiency improvements at the center.

**VIRTUAL ACADEMY for K-12 Education**

Appropriates \$2 million from the state general fund to the Office of the Commissioner of Higher Education to support the Montana virtual academy for K-12 education, created by HB 459. The virtual academy is established as a unit of the Montana University System.

---

**HB 676 Jon Sesso****Statutory implementation of general appropriations act****Chapter: 486      Effective Date: 7/1/09**

HB 676 increases the basic and per-ANB entitlements by one percent in FY 2010 and by three percent in FY 2011. The basic and per-ANB entitlements are set as follows:

| <b>Entitlement</b>  | <b>FY 2009</b> | <b>FY 2010</b> | <b>FY 2011</b> |
|---------------------|----------------|----------------|----------------|
| Elementary Basic    | \$21,922       | \$22,141       | \$22,805       |
| Middle School Basic | \$62,083       | \$62,704       | \$64,585       |
| High School Basic   | \$243,649      | \$246,085      | \$253,468      |
| Elementary Per ANB  | \$4,716        | \$4,763        | \$4,906        |
| High School Per ANB | \$6,037        | \$6,097        | \$6,280        |

The basic and per-ANB entitlements established in HB 676 will be augmented by federal funding received under the American Reinvestment and Recovery Act and appropriated in HB 645. In combination, HB 676 and HB 645 provide funding equivalent to a three percent increase in the basic and per-ANB entitlements in each year of the 2011 biennium. HB 676 and HB 645 provide school districts with the budget and levy authority to adopt budgets based on a three percent increase in the entitlements. In accordance with §20-9-353, MCA, school districts must seek voter approval for any increases in the over-BASE levy.

HB 676 dedicates a portion of tobacco settlement proceeds to the Healthy Montana Kids plan.

In HB 2, the Legislature applied a two percent across-the-board reduction in state agencies' general fund budgets compared to each agency's FY 2008 base funding level. For the budget for the 2011 legislative session, HB 676 requires an agency's present law base to be adjusted downward by that portion of the two percent reduction that was allocated to personal services in the 2011 biennium. By this action, the Legislature prevents agencies from building the amount of the budget reduction back into their present law base when the personal services snapshot is taken prior to the 2011 session.

---

**HJ 2 Mike Jopek****Revenue Estimating Resolution**

House Joint Resolution 2 is the official revenue estimate of the Legislature for FY 2009, FY 2010 and FY 2011. Section 5-5-227, MCA states that the Legislature's official revenue

estimate is the estimate prepared by the Revenue and Transportation Interim Committee (RTIC), as introduced in the Legislature, or the last action taken on HJ 2 by the last committee to possess it. The House Taxation Committee amended HJ 2 twice but did not pass it out of committee. The House Taxation Committee reduced forecast revenues for FY 2009 through FY 2011 by \$292 million compared with the revenue estimate produced by the RTIC in November 2008.

The final general fund revenue estimates in HJ 2 are: \$1.873 billion for FY 2009, \$1.755 billion for FY 2010 and \$1.811 billion for FY 2011. The final general fund revenue estimates are the estimates in HJ 2 plus the impact of revenue legislation. Final revenue legislation is expected to produce additional revenue of \$27.9 million in FY2009, FY 2010 and FY 2011. Volume 2 of the Legislative Fiscal Report contains a detailed breakdown of the HJ 2 revenue estimates by source and lists the legislation affecting revenues.

---

## **Failed Legislation -- Appropriations**

### **HJ 43 Brady Wiseman**

Study transparency in government spending and revenue requirements

### **SB 349 Bruce Tutvedt**

Revise state bidding requirements to protect proprietary information

### **SB 241 Joe Balyeat**

Taxpayer Right to Know Act - budget database website

---

## **AT-RISK YOUTH**

---

### **HB 72 Diane Sands**

#### **Clarify duration of caretaker relative educational authorization affidavit**

**Chapter: 149      Effective Date: 4/3/09**

HB 72 amends §20-5-503, MCA, regarding caretaker relative educational authorization affidavits to clarify that a properly completed and filed affidavit is effective only until the end of the school year, the caretaker relative revokes the affidavit, or the child no longer resides with the caretaker relative.

---

### **HB 397 Deborah Kottel**

#### **Establish close relative registry**

**Chapter: 196      Effective Date: 10/1/09**

HB 397 amends §41-3-101, MCA, by creating a registry for close relatives of a child. The Department of Public Health and Human Services is responsible for establishing the registry and notifying the relatives on the registry if the child is removed from the child's home by the state.

---

### **HB 403 Deborah Kottel**

#### **Include continuity of care in determining best interest of child**

**Chapter: 210      Effective Date: 10/1/09**

HB 403 amends laws that guide child custody decisions, allowing the court to consider a child's continuity of care through legal placement that provides permanency or stability in residence, schooling, and activities outside of the home.

---

### **HB 407 Margaret MacDonald**

#### **Protect children from sexual exploitation and abuse**

**Chapter: 198      Effective Date: 10/1/09**

HB 407 amends the definition of sexual abuse of children to include traveling to meet a child under age 16 (or believed to be under age 16) to engage in sexual conduct or entice or facilitate a child under age 16 (or believed to be under age 16) to travel with the intention of



engaging in actual or simulated sexual conduct. It also provides for reporting to the National Center for Missing and Exploited Children.

---

**SB 234 Kim Gillan**

**Insurance coverage for autism**

**Chapter: 359      Effective Date: 1/1/10**

SB 234 requires insurance coverage for children who have been medically diagnosed with autism spectrum disorders. Coverage for treatment may be limited to a maximum benefit of \$50,000 a year for a child eight years of age or younger and \$20,000 a year for a child nine years of age through 18 years of age.

Covered services include medically necessary services prescribed by licensed physicians, psychiatric or psychological care including counseling, services of licensed speech-language pathologists, audiologists, occupational therapists, or physical therapists. Covered services also include habilitative or rehabilitative care derived from evidence-based research such as discrete trial training, pivotal response training, and applied behavioral analysis.

---

**SB 340 Jesse Laslovich**

**Revise emancipation laws**

**Chapter: 179      Effective Date: 10/1/09**

SB 340 amends laws relating to the limited emancipation of youth who are 16 years of age or older. Revisions to the law include a requirement to provide the parent with prior notice of the emancipation hearing.

---

**SB 399 Jesse Laslovich**

**Report on placement of youth with mental health needs**

**Chapter: 430      Effective Date: 10/1/09**

SB 399 requires the Department of Public Health and Human Services (DPHHS) to establish a pool of qualified in-state providers willing to serve children with multiagency service needs who are currently placed or may be placed out-of-state. The DPHHS is also required to monitor and report to the Legislature on the number of children placed out-of-state and the reasons for those placements. "Wraparound" services emphasizing family involvement and collaboration among community agencies are encouraged.

---

## Failed Legislation -- At-Risk Youth

**HB 65 Diane Sands**

Fund children management authorities for mental health

**HB 66 Diane Sands**

Fund mental health needs of young children and certain high-risk children

**HB 226 Elsie Arntzen**

Grant for at-risk youth after school programs

**HB 617 Timothy Furey**

Revise developmental disability laws

---

# ELECTIONS

---

## **HB 19 Pat Ingraham**

### **Revise and clarify state election laws**

**Chapter: 297      Effective Date: 10/1/09**

HB 19 makes numerous changes and clarifications in election laws pertaining to local governments, including school districts. Areas covered by HB 19 include absentee ballot procedures, notifications of elections, challenges of voter eligibility, and signatures, etc. Some of the changes that pertain specifically to school elections are:

- In case of a tie in a trustee election, the trustees must appoint one of the candidates who tied to fill the office. This was already provided for in Title 13, but is now specifically provided for in Title 20.
- Qualifications for school election judges, most of which already existed in Title 13, were added to Title 20. School election judges must now meet the training requirements in §13-4-203, MCA and may not be the candidate or close family member of a candidate.
- §20-20-107, MCA, was amended to require election judges be paid at least the state or federal minimum wage rate, whichever is greater, including hours required to attend training.
- The bill clarified that the school clerk is the election administrator for school elections. However, the school district may request the county election administrator to conduct the school election and serve as the election administrator.
- §13-10-211, MCA, requires the school district clerk to inform the county election administrator of a write-in candidate's declaration, if the county election administrator is conducting the school election.

Some of the other changes that apply to elections in general (partial list):

- "Active elector" and "inactive elector" were re-defined. "Inactive elector" is no longer defined as a person who didn't vote in the preceding general election, but is now defined as a person who, due to failure to respond to confirmation notices, is placed on inactive lists under §§13-2-220 or 13-19-313, MCA. Procedures for reactivating an elector's registration were added. An elector's registration must be cancelled if the voter is placed on the inactive list and then fails to vote in two consecutive general elections.
- Contents of the election plan are now specified under §13-19-205, MCA.

- If there is an insufficient number of election judges, the election administrator may select people meeting criteria of §13-4-107, MCA (not just "randomly" as previously stated) to fill the positions. Under existing law, trustees appoint the election judges 40 days prior to the election at the time of adoption of the resolution for the election.
- Procedures were clarified for obtaining verification when an election administrator questions the validity of a signature on an application for an absentee ballot and for challenging an elector's eligibility to vote. Previously, a ballot would have been rejected if the signatures did not match. Now, if the election administrator rejects the signature on the absentee ballot return envelope, the administrator must notify the elector by mail or the most expedient method available that the elector may verify the signature by mail or in person at the election administrator's office prior to 8 p.m. on Election Day. If the elector does not do this, then the ballot must be handled as provisional.
- §13-13-204, MCA, amends provisions regarding an elector's authority to vote in person after already receiving an absentee ballot.

[The list above is only a summary. HB 19 is a lengthy bill with many sections. Anyone involved in election procedures should review the bill to determine possible impacts. The *School Election Handbook* will be updated to reflect these changes.]

---

**HB 432 Robert Mehlhoff**

**Authorize school trustee election by acclamation**

**Chapter: 132      Effective Date: 4/1/09**

HB 432 allows trustees to declare the trustee election by acclamation when the number of candidates for trustee positions is equal to or less than the number of positions to be filled. The bill removed wording that had previously been interpreted to prohibit an election from being acclaimed if a general fund election or any other election was being held at the same time.

---

**HB 509 Pat Ingraham**

**Revise requirements for counting write-in votes**

**Chapter: 212      Effective Date: 10/1/09**

HB 509 amended the provisions of §13-15-206(5), MCA, which details when write-in votes may be counted. In addition to the write-in vote identifying the specific person, HB 509 requires that the oval, box, or other designated voting area on the ballot must be marked.

---

**SB 276 Carolyn Squires****Require absentee voter confirmation forms to be mailed annually, only in January****Chapter: 219      Effective Date: 4/15/2009**

SB 276 provides that county election administrators shall mail an address confirmation form in January to each elector who has requested an absentee ballot for subsequent elections. The address confirmation form is effective for elections to be held February 1 following the mailing through January of the succeeding year.

---

**SB 367 Bradley Hamlett****Electronic absentee voting for military****Chapter: 278      Effective Dates: 4/17/2009 and 1/01/2012 (Section 2)**

SB 367 amends §13-21-207, MCA, making it a requirement for election administrators to provide a United States elector, as defined in §13-21-102, MCA, the ability to register to vote electronically and to vote by absentee electronically. Prior to SB 367, this was interpreted to be an optional service, but for elections administered after January 1, 2012, it will be required.

SB 367 also amends late registration provisions in Title 13. However, these provisions do not apply to school elections which do not allow for late registration.

---

**Failed Legislation -- Elections****HB 16 Pat Ingraham**

Allow election administrators to determine use of automarks at certain elections

**HB 18 Pat Ingraham**

Mail ballot pilot project

**HB 30 Franke Wilmer**

Youth election judges

**HB 88 Ted Washburn**

Revise close of late voter registration

**HB 99 Ted Washburn**

Revise proof of residency requirements for voter registration and voting

**HB 613 Scott Sales**

Revise rules for determining residency for election purposes

**SB 394 Keith Bales**

Expand types of elections that may be conducted by mail ballot election

---

# EMPLOYMENT RELATIONS

---

## **HB 34 Franke Wilmer**

**Revise TRS retirement statutes; address return to work and funding issues**

**Chapter: 298      Effective Date: 7/1/09**

HB 34 helps reduce future unfunded liabilities of the Teachers' Retirement System (TRS), which are created when a TRS retiree returns to work, has benefits terminated, then resumes collecting benefits based on the higher salary and service earned following a period of reemployment as an active member of the TRS. HB 34 also provides additional funding for the TRS starting July 1, 2013, to help offset the adverse affect of retirees returning to work in part-time non-contributing positions in place of active contributing members.

For retirees of TRS who return to active status before July 1, 2009:

- If benefits are terminated and the worker subsequently earns less than one year of creditable service, the original benefit is reinstated.
- If one or more years of creditable service is earned, the worker receives the original benefit, increased for the additional service years and the newer compensation rates.

For retirees of TRS who return to active status on or after July 1, 2009:

- If less than three years of membership service are earned, the worker resumes the original benefit and is entitled to a refund of contributions the worker paid after being reinstated to active service, plus interest.
- If benefits are terminated and the worker subsequently earns three or more years of membership service, the new benefit is based on the original benefit plus new membership service earned and new compensation rates.

Effective July 1, 2013, school districts (and all other TRS employers) will contribute 9.85 percent of all wages paid to "working retirees" who hold part-time positions that would be eligible to participate in TRS if not for the fact that a retired member had been hired to fill the position. In other words, the employer's portion of contributions will be collected as if the retiree is still an active TRS member, even though the retiree is collecting benefits under TRS.

HB 34 also clarifies that an employee who terminates employment within 30 days of the end of the school year is considered to have worked through the contract year, ending the last

day of the school year. Benefits will not be instated or reinstated until 30 days after the last day of the school year.

---

**HB 59 Robin Hamilton**

**Generally revise retirement laws to comply with federal changes**

**Chapter: 282      Effective Date: 7/1/09**

HB 59 revises laws related to the Teachers Retirement System. The bill clarifies the definitions of employer, full-time service, part-time service, and normal retirement age. It also clarifies that individuals employed in a teaching or an educational services capacity by a school district, an education cooperative, the office of the county superintendent, a public institution of the state of Montana, the Montana School for the Deaf and Blind, or the Office of Public Instruction must be an active member of TRS. The legislation also amends the TRS statutes to bring them into compliance with the Internal Revenue System code and other federal laws.

---

**HB 101 Jeffrey Welborn**

**Extend deadlines related to wage withholding in cases of theft**

**Chapter: 26      Effective Date: 3/20/09**

HB 101 extends deadlines related to wage withholding in cases of theft. When an employee is discharged for employee theft, the employer may withhold from the employee's final paycheck an amount sufficient to cover the value of the theft if the employee agrees in writing or the employer files a report of the theft with the local law enforcement agency within seven business days of the separation from employment. HB 101 extends the period from 15 days to 30 days in which the employer must pay the wages if no charges are filed in court.

---

**HB 109 Chuck Hunter**

**Generally revise retirement statutes**

**Chapter: 283      Effective Date: 7/1/09**

HB 109 revises statutes concerning public employee retirement systems. The bill addresses penalties assessed to employers for late payment of contributions; purchase of Montana service credit; provisions authorizing municipal, county, and state agencies to become contracting employers under PERS; exclusions from PERS membership of substitute teachers or part-time teacher's aides who elect to join TRS; and authorization for PERS-

covered employers to report information electronically regarding the number of hours worked and compensation earned by working retirees each pay period.

---

**HB 119 Chuck Hunter**

**Revise employment laws, including workers' compensation**

**Chapter: 112      Effective Date: 4/1/09 or 7/1/09 depending on section**

HB 119 makes a number of changes to the workers' compensation program regarding rates, percentages, timeframes, penalties, reporting requirements and other details amending current law. Any employer insured under one of the state's worker compensation plans may want to review these changes.

---

**HB 363 Llew Jones**

**Use retired teachers/administrators to fill vacancies without applicants**

**Chapter: 129      Effective Date: 7/1/09 and terminates 6/30/2015**

HB 363 revises the Teachers' Retirement System (TRS) to allow a retired teacher, specialist or administrator to return to full-time employment under certain conditions for a maximum of three years during the individual's lifetime without the loss of retirement benefits. The retired educator must have completed 30 or more years of creditable service prior to retirement and hold a valid educator license pursuant to §20-4-106, MCA. A retired TRS member reemployed under this section of law is ineligible for active membership in TRS and is ineligible to receive service credit under any retirement system identified in Title 19, MCA.

The employer must certify to the OPI and to the TRS board that, after having advertised the position for that year, the employer has not been able to hire a qualified nonretired teacher, specialist or administrator. The employer must also contribute monthly to the retirement system an amount equal to the sum of the contribution rates required by §§19-20-602, 19-20-604, 19-20-605, and 19-20-607, MCA.

---

**HB 372 Franke Wilmer**

**Revise exemptions from jury duty**

**Chapter: 167      Effective Date: 10/1/09**

HB 372 expands the jury duty exemptions for undue hardship to include primary caregivers to dependent persons and breastfeeding mothers.



---

**HB 466 Paul Beck****Providing paid military leave for all public employees****Chapter: 261      Effective Date: 7/1/09**

HB 466 provides paid military leave for all public employees. It clarifies that all employees of a governmental entity are eligible for paid military leave. Eligible employees must be given leave of absence with pay accruing at a rate of 120 hours in a calendar year for performing military service.

---

**SB 308 Jim Keane****Revise calculation of standard prevailing wage rates****Chapter: 277      Effective Date: 7/1/09**

SB 308 directs the Department of Labor to conduct an annual survey to calculate the standard prevailing wage rate for certain building construction services and non-construction services in not more than 10 prevailing wage rate districts across the state. Building construction services include those performed under commercial codes by licensed electrical contractors, licensed plumbers, and registered construction contractors. The bill specifies the methods for using the surveys to set wage rates in each area.

The bill also requires the Department of Labor to periodically set prevailing wage rates for heavy construction services and highway construction services by using surveys or by adopting federal Davis-Bacon Act rates.

Registered apprentices must be paid the percentages of the standard prevailing wage rates which are established in the applicable apprenticeship standards.

Public works contracts that call for more than 30 months to perform must include a provision to adjust the standard prevailing wage rate. The contract wages must be adjusted 12 months after the date of the contract award. The amount of the adjustment must be a 3 percent increase, and the adjustment must be applied every 12 months for the term of the contract.

**See also: Teacher Recruitment and Retention**

---

## Failed Legislation -- Employment Relations

### **HB 12 Franke Wilmer**

Require employer contributions on working retirees under certain conditions

### **HB 83 Sue Dickenson**

Professional retirement option for K-12 workforce

### **HB 87 Sue Dickenson**

Provide increase in employer contribution to optional retirement program

### **HB 141 Franke Wilmer**

Accounting for certain post-retirement benefits

### **HB 142 Franke Wilmer**

Eliminate automatic trigger that decreases employer contribution

### **HB 148 Dee Brown**

Clarify work comp going and coming to work status

### **HB 198 Robin Hamilton**

School employee health insurance incentive

### **HB 450 Julie French**

Prohibit retaliation over job-related grievances

### **HB 463 Julie French**

Teacher retirement creditable service for active military duty

### **HB 556 Gary MacLaren**

Require verification of work authorization status

### **HB 580 Mary Caferro**

Revise unemployment insurance benefits and eligibility

### **HB 589 JP Pomnichowski**

Revise work comp on proving occupational disease employment related

### **HB 679 Wayne Stahl**

Eliminate defined benefit pensions; defined contribution as a default

### **SB 30 Kelly Gebhardt**

Revise reimbursement for meals, lodging

### **SB 251 David Wanzenried**

Unemployment benefits for certain school employees between terms

### **SB 312 Bob Story**

Drug and alcohol testing for certain occupations

### **SB 363 Sharon Stewart-Peregoy**

Exempt speaking at public function from work comp covered employment

**SB 371 Gary Perry**

Clarify applicability of "at work" for work comp purposes

**SB 382 Jim Shockley**

Prohibit noncooperation practices concerning illegal aliens

**SB 484 Joe Balyeat**

Adjust retirement dates for new PERS and TRS hires

**SB 494 Jonathan Windy Boy**

Address bullying in the workplace

---

## **GOVERNANCE**

---

### **HB 57 Russell Bean**

#### **Clarify school district consolidations and annexations**

**Chapter: 60            Effective Date: 7/1/09**

HB 57 corrects sections that were overlooked in HB 681 in the 2005 legislative session which revised consolidation and annexation laws. There are no substantive changes in HB 57 from current law.

---

### **HB 332 Dennis Getz**

#### **Address conflict between open meeting and student participation issues**

**Chapter: 444            Effective Date: 10/1/09**

HB 332 amends statutes related to school trustee meetings and to suspension of a student.

HB 332 authorizes school trustees to meet outside the boundaries of a school district for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting as well as an agenda must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the school district's boundaries.

HB 332 expands the allowable reasons for calling a special meeting of the trustees without a 48-hour notice to include consideration of a violation of the student code of conduct, as defined in accordance with district policy, within a week of graduation.

With regard to suspension, a pupil may be suspended by a teacher, superintendent, or principal only by following a district policy defining the authority and procedure for a suspension. HB 332 allows for the suspension of a pupil from school for an initial period not to exceed 10 school days. Upon a finding by a school administrator that the immediate return to school by a pupil would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a pupil may be suspended for one additional period not to exceed 10 school days if the pupil is granted an informal hearing with the school administrator prior to the additional suspension and if the decision to impose the additional suspension does not violate the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.

---

**HB 488 Llew Jones****Revise territory transfer laws relating to K-12 school districts****Chapter: 305      Effective Date: 4/18/09**

HB 488 allows voters in a district which consolidated during calendar years 2004 through 2008 to petition to change the district's boundaries under laws that were in effect on July 1, 2005. Laws enacted in 2005 restricted the transfer of territory in or out of a K-12 district unless both districts agreed in writing. HB 488 allows an exception for the five school systems that consolidated in 2004-2008 so voters can petition to transfer territory without having both districts agree in writing.

HB 488 also allows a petition to be filed more than once every four years if the county superintendents agree in writing.

---

**HJ 6 Bob Lake****Urge development of K-12 education shared policy goals**

HJ 6 states that shared policy goals and corresponding accountability measures be identified and developed by the Superintendent of Public Instruction and the Board of Public Education in consultation with the Education and Local Government Interim Committee.

---

**HR 2 Tom McGillvray****Antibullying in schools resolution**

HR 2 is a resolution to encourage and commend efforts by Montana's school districts to develop and implement research-based bullying prevention programs. In the resolution, the Legislature recognized that bullying is harmful to the mental health of both the victim and the bully, the adverse effects on mental health can be extensive and long-lasting, and existing bullying prevention programs have resulted in a significant reduction in bullying.

---

**SB 173 Terry Murphy****Clarify ability of school districts to share superintendents and principals****Chapter: 144****Effective date: 10/1/09**

SB 173 allows an exception for a separate high school board operating under an alternative method of electing high school trustees as provided in §20-3-352(3), MCA to employ a different district superintendent than the elementary board of trustees employs. Usually, unified boards operate under a combined board of trustees and employ a single superintendent. The specific type of alternative school board organization affected by this bill rarely occurs.

---

**SB 273 Jesse Laslovich****Revise school trustee laws****Chapter: 178****Effective Date: 10/1/09**

SB 273 allows a school trustee to be employed by the trustee's own school district for the purpose of officiating at athletic competitions under the auspices of the Montana Officials Association without violating conflict of interest provisions in § 20-9-204, MCA.

---

**SJ 8 Bob Hawks****Urge development of K-20 education shared policy goals**

SJ 8 urges the Board of Regents, Commissioner of Higher Education, Superintendent of Public Instruction, and the Board of Public Education to work with the Education and Local Government Interim Committee on developing K-20 shared policy goals and accountability measures that can be used by legislators, the education community, and the public to evaluate progress toward the goals and by the Montana Legislature to guide its funding decisions. Shared policy goals must be systematically tied to accountability measures in order to ensure timely and effective implementation of policy. Goals and measures may include but are not limited to K-20 efforts to: (a) improve the affordability and availability of distance learning; (b) reduce the remediation rate of students entering postsecondary education; and (c) improve the dual enrollment process.

---

## Failed Legislation -- Governance

**HB 252 Margaret Campbell**

Sexual orientation and gender identity in human rights and government practices

**HB 555 Jill Cohenour**

Allow any school board member to chair board

**HB 624 Michael More**

Revise school laws

**HJ 28 Edward Butcher**

Interim study of self-governing authority by school boards

**SB 81 Dan McGee**

Elect Board of Public Education

**SJ 4 Rick Laible**

Study options for improving administrative efficiencies in school system

---

## HIGHER EDUCATION

---

### **SJ 2 Dave Lewis**

#### **Study community college establishment process**

SJ 2 requests an interim study to reexamine the community college establishment process. The Office of the Commissioner of Higher Education, the Montana Secretary of State, and the former participants in the Bitterroot Valley Community College establishment process will be consulted during every facet of this study. If the study is assigned to staff, any findings or conclusions will be presented to and reviewed by an appropriate committee designated by the Legislative Council. All aspects of the study, including presentation and review requirements, are to be concluded prior to September 15, 2010 and reported to the 62<sup>nd</sup> Legislature.

---

### **SJ 3 Rick laible**

#### **Interim study to consider establishment of Montana Scholarship Program**

SJ 3 establishes an interim study to consider the possible establishment of a Montana scholarship program. This study will consider if and how:

- student financial aid that is currently derived from waivers and university foundations might also support a Montana Scholarship Program;
- nontraditional students, including displaced workers, trying to reenter the educational system might also use a Montana Scholarship Program; and
- the Board of Regents, Commissioner of Higher Education, Montana University System, Superintendent of Public Instruction, Board of Public Education, and members of the public can be fully engaged in this study.

All aspects of the study, including presentation and review requirements, are to be concluded prior to September 15, 2010 and reported to the 62<sup>nd</sup> Legislature.



---

## Failed Legislation -- Higher Education

**HB 178 Franke Wilmer**

Revise laws and funding for university system

**HB 355 Edith McClafferty**

Fund math and science academy at Montana Tech

**SB 80 Dan McGee**

Elect Board of Regents

**SB 342 Jeff Essmann**

Student scholarship organizations and tax credits for donations for scholarships

**SB 450 Jim Keane**

DUI surcharge to fund scholarship

**SB 496 Jim Peterson**

Clarify funding of MUS optional retirement program

**SJ 12 Rick Laible**

Approve Bitterroot Valley Community College

**SJ 25 Jim Peterson**

Urge study of rural-urban issues by university system

---

## **SAFETY**

---

### **HB 55 Ray Hawk**

#### **Geographical restrictions on juvenile sexual offenders**

**Chapter: 373      Effective Date: 4/28/09**

HB 55 imposes certain restriction on juvenile offenders designated as level-3 sex offenders and requires written, specific notification to the school district superintendent regarding a juvenile who is enrolled in that district and who has been designated by the court as a level-3 sex offender.

---

### **HB 155 JP Pomnichowski**

#### **Require state agencies to develop procedures to protect personal information**

**Chapter: 163      Effective Date: 10/1/09**

HB 155 requires state agencies to develop procedures to protect the social security number of an individual while enabling the agency to use the social security number as necessary for the performance of its duties under federal or state law. The procedures must include measures to eliminate the unnecessary use of social security numbers, identify the person or agency authorized to have access to a social security number, restrict access to social security numbers by unauthorized persons or agencies, and identify circumstances when redaction of social security numbers is appropriate. Procedures must also include disposing of documents that contain social security numbers in a manner consistent with other record retention requirements applicable to the agency, eliminate the unnecessary storage of social security numbers on portable devices, and protecting data containing social security numbers if that data is on a portable device.

HB 155 provides guidelines for notification of affected individuals in a case of a breach of security. Upon discovery or notification of a breach of the security of a data system, a state agency or a third party performing a state agency function must make reasonable efforts to notify any person whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

State agencies must have procedures in place to comply with the provisions of HB 155 by September 1, 2012.

---

**HB 238 Mike Milburn****Establish a Montana teen driver safety day****Chapter: 333      Effective Date: 10/1/09**

HB 238 establishes the third Tuesday in October as the official day of observance for teen driver safety. The purpose of the bill is to raise awareness about the fatal consequences of distractions while driving and to promote teen driver safety. All Montanans are encouraged to participate in special observances and exercises throughout the day.

---

**SB 88 Mitch Tropila****Revise and clarify school speed zone law****Chapter: 83      Effective Date: 10/1/09**

SB 88 allows for creation of a special speed limit for the blocks adjacent to a school property. This bill includes procedures for establishing the speed limit, including signage and coordination with appropriate authorities.

---

**Failed Legislation -- Safety****HB 49 Bob Lake**

Restrict cell phone use and texting while driving

**HB 157 Chuck Hunter**

Implement healthy kids initiative

**HB 209 Mike Phillips**

Revise school zone traffic laws

**HB 456 Jill Cohenour**

Require seat belts on new school buses

**HB 460 Brady Wiseman**

Citizen data protection

**HB 528 Dee Brown**

Enhanced penalties for teachers convicted of sex crimes with minors

**SB 87 Jeff Essmann**

Geographic restrictions for sex offenders

---

## SCHOOL FINANCE

---

### **HB 45 Pat Ingraham**

#### **Compliance with federal law for forest reserve payments**

**Chapter: 105      Effective Date: 4/1/09**

HB 45 addresses the counties' distribution of federal forest reserve funds received by the state. The bill reflects changes in federal laws, which direct more of the revenue to be used for forest service projects rather than county projects.

The bill amends §17-3-213, MCA, as follows:

- If a county's federal forest reserve payment is less than \$100,000, the county may distribute 2/3 of the payment to the county roads fund and 1/3 to the countywide school levies (i.e., no change from current law).
- If a county's payment is between \$100,000 and \$350,000, the county may use the funds for Title II projects (forest service) or Title III projects (county forest projects) or return the money to the United States.
- If a county's payment is more than \$350,000, the county must distribute 80 to 85 percent of the funds to the county roads fund and countywide school levies (i.e., currently the "normal" allocations). The county may reserve up to 7 percent of the county's payment for Title III projects and may use the remainder for projects under Title II or return it to the United States.

---

### **HB 152 Robin Hamilton**

#### **Quality schools facility grant program**

**Chapter: 377      Effective Date: 4/28/09**

HB 152 establishes the Quality Schools Facility Grant Program and provides for the administration of the program through the Department of Commerce (DOC). The purpose of the program is to distribute grants to public school districts to assist schools in addressing major deferred maintenance, energy efficiency, critical infrastructure needs, emergency facility needs, and technological improvements.

The DOC is appropriated \$12 million to be distributed during the 2011 biennium as follows:

- \$11 million for school facility project grants to be awarded based on a priority basis using criteria listed in the bill (see below)

- \$900,000 for matching planning grants to public school districts
- \$100,000 for emergency grants to public school districts

Grants will be distributed for projects that:

- enhance quality of life and protect the health, safety, and welfare of Montana's public school students;
- ensure the successful delivery of an educational system that meets accreditation standards;
- extend the life of Montana's existing public schools;
- promote energy conservation and reduction;
- integrate technology into Montana's education framework to support student educational needs for the 21<sup>st</sup> century; and
- are fiscally responsible by considering long-term and short-term needs of the public school district, the local community, and the state.

Grants will be awarded by the DOC based on the following criteria, in the priority order listed below.

- projects that solve urgent and serious public health or safety problems or that enable public school districts to meet state or federal health or safety standards;
- projects that provide improvements necessary to bring school facilities up to current local, state, and federal codes and standards;
- projects that enhance a public school district's ability to offer specific services related to the requirements of the accreditation standards provided for in 20-7-111;
- projects that provide long-term, cost-effective benefits through energy-efficient design;
- projects that incorporate long-term, cost-effective benefits to school facilities, including the technology needs of school facilities; and
- projects that enhance educational opportunities for students.

In applying the above criteria, the DOC shall consider, without preference or priority, the following attributes of a school facility project application.

- the need for financial assistance;
- the fiscal capacity of the public school district to meet the conditions required for acceptance of the grant;
- past efforts to ensure sound, effective, long-term planning and management of the school facility and attempts to address school facility needs with local resources;
- the ability to obtain funds from sources other than the funds related to the Quality Schools Facility Grant program; and
- the importance of the project and support for the project from the community.

The DOC will disburse grant funds on a reimbursement basis as recipients incur eligible project expenses.

In years following the 2011 biennium, applications for school facility project grants will be reviewed by the DOC and recommended to the Governor in a prioritized list. The Governor will review the projects and propose a list of recommended projects for funding to the Legislature. The Legislature will consider the Governor's recommendations, approve grants, and appropriate money to the DOC to fund grants that have been approved. The Legislature will also authorize funding and appropriate money to the DOC for matching planning grants and emergency grants.

Other HB 152 changes:

- Statutorily appropriates \$1 million a year from the school facility and technology account under 20-9-516, MCA, for payments for school technology purposes.
- Rental for power sites will be deposited in the school facility and technology account beginning January 1, 2011.

---

**HB 487 Walter McNutt**

**Classify as business inventories certain farm implements and construction equipment**  
**Chapter: 343      Effective Date: 4/24/09**

HB 487 exempts from property taxation implements and equipment that are rented under purchase incentive rental programs. Farm implements of farm implement dealers and construction equipment of construction equipment dealers that are rented under purchase incentive rental programs and brought into the state are not subject to property taxation while they are under purchase incentive rental programs. A purchase incentive rental program does not include equipment rented to a person for more than nine months, equipment rented more than once to the same person, and equipment not owned by a dealer. The bill is effective for tax year 2009.

---

**HB 513 Jill Cohenour**

**Revise school district bonding capacity**  
**Chapter: 213      Effective Date: 10/1/09**

HB 513 allows a K-12 district to indebted the district up to 100 percent of the taxable valuation of the K-12 district property. Previously, the law restricted a K-12 district to a bonding capacity of up to 50 percent of the K-12 taxable valuation for elementary purposes and up to 50 percent of the K-12 taxable valuation for high school purposes.

The bill also amends §20-9-502, MCA, to remove the building reserve levy from the calculation of the bonding capacity for a school district. Further, the amount of the building reserve levy is also no longer limited by the calculation of bonding capacity in §20-9-406, MCA.

---

**HB 562 Jill Cohenour**

**Allow change in application of protested school taxes to GTB**

**Chapter: 344      Effective Date: 10/1/09**

HB 562 provides that a school district with property subject to a pending property tax protest must elect by February 1 each year whether to waive its rights to receive its portion of protested taxes for the previous year.

If the district elects to waive its right to draw upon the taxes protested in a given year, the district's guaranteed tax base subsidies will be determined based on the taxable valuation of property that is not being protested, rather than the entire taxable valuation of the district. This will increase the district's guaranteed tax base subsidy per mill to reflect the subsidy the district would receive if the property were excluded from the tax base.

When the protest is subsequently settled or resolved, the Department of Revenue, not the district, is liable for any payment and may retain any amount that is settled in the state's favor. The district will not pay or receive any amounts upon settlement for any year's taxes they waived.

When the state retains the money after a settlement, 50 percent is deposited in the state general fund and 50 percent in a state special revenue fund to be used for future payments when a property tax protest is resolved in a taxpayer's favor.

---

**HB 588 Duane Ankney**

**Revise coal gross proceeds distribution**

**Chapter: 264      Effective Date: 7/1/09**

HB 588 revises the distribution of coal gross proceeds taxes to local taxing jurisdictions, including school districts, and the state. Coal gross proceeds must be allocated to the state, county, and school districts in the same proportions as the taxes were distributed in fiscal year 1990. Each school district's share must be distributed in the relative proportions required by levies for school district purposes in the same manner as property taxes were distributed in the previous fiscal year. However, the board of trustees of a school district

may reallocate the coal gross proceeds taxes if the allocation to a fund (based on the previous year's levies) exceeds the budget for the fund. Under these conditions, the trustees may reallocate the excess to any budgeted fund of the school district. The act applies to coal gross proceeds taxes distributed for fiscal years beginning after June 30, 2009.

---

**HB 653 JP Pomnichowski**

**Revise base taxable value of TIF for local disaster**

**Chapter: 350      Effective Date: 4/24/09**

HB 653 adjusts the base taxable value of an urban renewal area, industrial district, technology district, or aerospace transportation and technology district for tax increment financing purposes because of a local disaster. If property in one of these types of taxing districts suffers loss of property value from a disaster for which the jurisdiction declared a disaster under §10-3-402, MCA, the Department of Revenue decreases the base taxable valuation of that area by the amount of the loss. When the property is reconstructed, the base taxable valuation is reinstated by an amount not exceeding its original loss. The taxable valuation is proportionally reinstated if reconstruction extends beyond January 1 into a subsequent tax year.

---

**HB 658 Mike Jopek**

**Mitigate reappraisal**

**Chapter: 483      Effective Date: 5/10/09**

The purpose of HB 658 is to mitigate the property tax impacts of the increased taxable valuations that resulted from the 2009 reappraisal of residential and commercial real property, forest land, and agricultural land. The analysis presented to the Legislature indicated that, without these mitigations, the 2009 reappraisal cycle would have increased class 4 residential property values by 55.1 percent statewide, class 4 commercial property by 34.7 percent statewide, class 3 agricultural land by 26.9 percent statewide, and class 10 forest lands by 51.7 percent statewide.

The 2009 reappraisal is phased-in at 16.66 percent annually for the next six years until it is fully effective in tax year 2014. The next reappraisal will be phased-in beginning January 1, 2015.

The tax rate on class 3 and 4 property property is lowered to 2.93 percent in tax year 2009 and continues to be reduced until it reaches 2.47 percent in tax year 2014. A portion of the



market value of class 4 property is exempted from taxation according to the following schedule:

| <u>Year</u> | <u>Class 3 &amp; 4<br/>Tax Rate</u> | <u>Exemption<br/>Residential</u> | <u>Exemption<br/>Commerical</u> |
|-------------|-------------------------------------|----------------------------------|---------------------------------|
| 2009        | 2.93 %                              | 36.8%                            | 14.2%                           |
| 2010        | 2.82 %                              | 39.5%                            | 15.9%                           |
| 2011        | 2.72 %                              | 41.8%                            | 17.5%                           |
| 2012        | 2.63 %                              | 44.0%                            | 19.0%                           |
| 2013        | 2.54 %                              | 45.5%                            | 20.3%                           |
| 2014        | 2.47 %                              | 47.0%                            | 21.5%                           |

For single-family residential dwellings, the exemption is applied to the first \$1.5 million or less in market value. For class 4 commercial multifamily dwellings, the residential exemption and the class 4 tax rate are applied to determine the taxable value.

The tax rate on class 10 forest lands is 0.34 percent in tax year 2009 and continues to be reduced by 0.01 percent until it reaches 0.29 percent in tax year 2014.

For tax year 2009, HB 658 extends deadlines "as necessary and reasonable" relating to appraisals, assessments, reimbursements, budgets, and collection of property taxes.

HB 658 amends the procedure for adjusting the statewide mills (95 mills) for K-12 education. As amended, §15-10-420(8), MCA requires the Department of Revenue, when recalculating the county and state equalization levies following reappraisal, to round up to the nearest one-tenth. State mill levies may be adjusted downward but are capped at 95 mills, so for the 2009 reappraisal cycle, the mills will stay at the current levels.

---

### **SB 48 Jeff Essmann**

#### **Standardize statutes related to tax increment finance districts**

**Chapter: 394      Effective Date: 4/28/09**

SB 48 corrects internal references and terminology to apply statutes consistently to various types of tax increment districts.

SB 48 treats aerospace transportation and technology tax increment districts consistently with other tax increment districts by providing the authority to pledge tax increment funds from the district to pay revenue bonds, general obligation bonds, or special assessment bonds for infrastructure projects and other specified costs of the tax increment district.

---

**SB 115 Christine Kauffman****Simplify income calculations for certain property tax assistance programs****Chapter: 6                      Effective Date: 2/19/09**

SB 115 simplifies the process for determining a resident's income eligibility for the property tax assistance program or the disabled veteran exemption. It also clarifies that for the property tax assistance program, the threshold amounts for married couples and head of household are used when the income of two or more owners is considered in determining qualification. Single veterans who are heads of household have the same filing threshold as a married couple.

---

**SB 198 Dave Lewis****Tax biomass generation facilities up to 25 megawatts as class 14 property****Chapter: 357                      Effective Date: 10/1/09**

SB 198 classifies biomass generation facilities up to 25 megawatts in nameplate capacity as class 14 property, which is taxed at 3 percent of its market value. SB 198 applies to tax years beginning after December 31, 2009.

---

**SB 216 Jesse Laslovich****Revise laws on school district interlocal agreements and on calculating ANB****Chapter: 137                      Effective date: 7/1/09, applies to FY 2010-11 and after**

SB 216 allows a district to claim one-half time enrollment under certain conditions for youth who are residents of the district and who attend the Montana Youth Challenge (MYC) program. Credits taken at the Montana youth challenge program must be approved by the school district and meet the requirements for graduation at a school in the student's district of residence, must be taught by an instructor who has a current and appropriate Montana high school certification, and must be reported by the MYC program to the student's district of residence. Upon accumulating the necessary credits at either a school in the district of residence or at the Montana youth challenge program pursuant to an interlocal cooperative agreement, a student must be allowed to graduate from the high school in the student's district of residence.

---

**SB 465 Bradley Hamlett****Clarify ownership of streambeds concerning property taxation****Chapter: 472      Effective Date: 5/6/09**

SB 465 revises the procedures for the Department of Revenue (DOR) to determine the taxable valuation of property consisting of the bed of navigable rivers and streams. When the DOR reduces the amount of taxable property associated with a navigable river or stream, the DOR must first reduce the amount of tract land or grazing land before it reduces the amount from irrigated land or non-irrigated land for property tax purposes. The bill provides that in a dispute over the ownership of the bed of a river or stream a presumption may not be made based on the property tax status of the property; clarifies ownership of structures; and clarifies the ability to control noxious weeds. The bill is retroactive to tax year 2008. (Also see summary of SB 465 under State Lands.)

---

**SB 489 Jeff Essmann****Revise taxation laws related to pipelines****Chapter: 487      Effective Date: 5/10/09**

SB 489 amends the definition of class 9 centrally assessed property to clarify that regulated natural gas and oil pipelines and common carrier pipelines are taxed as class 9 property. Specifically, the definition of class 9 property is amended to include "centrally assessed natural gas distribution utilities, rate-regulated natural gas transmission or oil transmission pipelines regulated by either the public service commission or the federal energy regulatory commission, a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or the gas gathering facilities specified in 15-6-138(6)." SB 489 amends §15-23-101, MCA by adding a more restrictive definition of natural gas or oil pipelines as those regulated by the public service commission or the federal energy regulatory commission. Common carrier pipelines and natural gas distribution facilities are also added to the list of centrally assessed properties in §15-23-101, MCA.

SB 489 amends the definition of business equipment property by adding flow lines and gathering lines to the list of oilfield machinery and equipment included in class 8 property. New subsection 15-6-138(6), MCA states: "The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101." The gas gathering line ownership of all affiliated companies must be aggregated for purposes of determining the 500-mile threshold.

SB 489 was introduced in response to a Montana Supreme Court decision, in favor of Omimex, which resulted in the property of eight natural gas pipeline companies moving from designation as centrally assessed property (class 9) to business equipment property (class 8). One impact of SB 489 is to return a significant portion of this property to class 9 and increase property tax revenue from the 95 mills for K-12 education.

---

**SB 509 Kelly Gebhardt**

**Revise contract sales price of underground mined coal**

**Chapter: 433      Effective Date: 5/4/09**

SB 509 excludes the costs of washing coal produced from an underground mine from the definition of contract sales price of coal. Contract sales price is used in the calculation of the coal severance tax and the coal gross proceeds tax. This bill clarifies when the Department of Revenue may impute the value of coal for purposes of calculation of the coal taxes. The redefinition of contract sales price in SB 509 terminates July 1, 2017. The bill is not expected to impact revenues from coal gross proceeds taxes or property taxes. The amendments apply to coal mined after June 30, 2009.

---

**SB 510 Kelly Gebhardt**

**Abatement of half of coal gross proceeds tax for new underground mine**

**Chapter: 476      Effective Date: 10/1/09**

SB 510 allows a board of county commissioners to abate taxation by 50 percent on coal gross proceeds for production from a new or expanding underground coal mine for a period of five years with the option to extend for an additional five years. Production from an expanding underground coal mine is defined as that portion of the mine's production that exceeds the average production for the previous three years. To qualify for the abatement, the total of the prior average production and the new production may not decrease during the time of the abatement. The abatement applies to all jurisdictions in which the mine is located except the state. Before an abatement authorization is effective, the school boards of all affected school districts must be notified of the abatement. SB 510 applies to tax years beginning after December 31, 2009.

**See also provisions set forth in HB 2 under Appropriations.**

---

## Failed Legislation -- School Finance

**HB 15 Dan Villa**

Fund K-12 education

**HB 47 Wanda Grinde**

Quarter time ANB for 135 hours of pupil instruction

**HB 56 Russell Bean**

Increase pupil transportation reimbursements

**HB 81 Bob Lake**

Study long-term impacts of budget and demographics driving costs

**HB 169 Robin Hamilton**

Clarify state payment of tuition for homeless students

**HB 240 Bob Lake**

Reduce business equipment property tax and reimburse local tax jurisdictions

**HB 249 Wayne Stahl**

Tax perpetual conservation easements - publicly owned are taxable

**HB 305 Frosty Boss Ribs**

Revise school retirement funding

**HB 335 Ted Washburn**

Revise time of calculating ANB

**HB 369 McClafferty**

Headstart funding

**HB 388 Kendall Van Dyk**

Impose oil and gas surtax for quality educator energy for education payment

**HB 413 Ken Peterson**

Use coal tax to fund energy efficiency in public education facilities

**HB 442 Wayne Stahl**

Revise motor vehicle fees for quality educator cars for kids payment

**HB 461 Elsie Arntzen**

Reporting for achievement gap funds

**HB 462 Elsie Arntzen**

Revise use of at-risk student payment

**HB 512 Jill Cohenour**

Carry over of school district general fund balances

**HB 514 Jill Cohenour**

Exempt school districts from fuel taxes

**HB 539 Bill Glaser**

Revise school funding laws

**HB 550 Diane Sands**

Increase funding for Indian education for all

**HB 603 Galen Hollenbaugh**

Authorize labor requirements in public works contracts

**HB 604 Robin Hamilton**

Revise basic entitlements

**HB 611 Llew Jones**

Revise deposit of school interest and income money

**HB 629 Bill Glaser**

Revise distribution of certain school revenue

**HB 642 Julie French**

Certain centrally assessed pipelines are class 9 property

**HB 646 Wanda Grinde**

Energy efficiency fund for K-12 schools

**HB 654 Dee Brown**

25% new resource development revenue to fund education and property tax relief'

**HB 666 Wayne Stahl**

Mitigate property tax reappraisal and equalize property taxes

**HB 671 Wayne Stahl**

Revise method of calculating students

**HB 672 Mike Jopek**

Constitutional amendment to cap property tax

**HB 675 Brady Wiseman**

Education energy trust fund to replace statewide school mills

**SB 61 Bob Hawks**

Public school consideration in impact fees

**SB 67 Rick Laible**

Require funding before school rules with fiscal impact implemented

**SB 69 Gary Branae**

Increase the quality educator payment

**SB 70 Gary Branae**

Apply inflationary adjustments to K-12 BASE aid and general fund components

**SB 165 Dave Lewis**

Revise school budget timelines

**SB 266 Mike Cooney**

Authorize school levy to pay health insurance premiums

**SB 272 Dan McGee**

Exclude public schools from impact fees

**SB 274 Aubyn Curtiss**

Constitutional amendment to allow acquisition value for property taxation

**SB 302 David Wanzenried**

Revise school funding law by increasing general fund budget amount

**SB 304 Roy Brown**

Keep our kids here tax credit

**SB 313 Rick Laible**

Revise school funding laws

**SB 460 Bob Story**

Committee to oversee and evaluate stimulus package funding

**SB 477 Christine Kaufmann**  
School district permissive levy for over-  
BASE budget

**SB 490 Roy Brown**  
Increase class 8 business equipment tax  
exemption

**SB 512 Jonathan Windy Boy**  
Educational tax credits

---

## STATE LANDS

---

### **HB 78 Gordon Hendrick**

#### **Revise timber salvage harvest laws**

**Chapter: 108      Effective Date: 4/1/09**

House Bill 78 amends §77-5-212, MCA to authorize the Department of Natural Resources and Conservation (DNRC) to issue commercial timber permits without the need for advertising in cases of emergency due to fire, insect, fungus, parasite, or blow down, in quantities up to 500,000 board feet.

---

### **HB 140 Chas Vincent**

#### **Increase excess sustained yield authority for forest health**

**Chapter: 116      Effective Date: 4/1/09**

HB 140 authorizes the DNRC to exceed the sustainable yield harvest of timber by 10 percent where necessary to address forest health concerns, provided that the excess timber volume contains no more than 25 percent of merchantable sawlog volume.

---

### **HB 402 Julie French**

#### **Revise laws relating to land banking**

**Chapter: 209      Effective Date: 4/15/09**

HB 402 expands DNRC's land banking authority to cumulatively dispose of 250,000 acres and use the proceeds of those sales to purchase other lands. The sunset provision for the program has been removed.

---

### **HB 669 Chas Vincent**

#### **Establish wood product industry loan program**

**Chapter: 484      Effective Date: 5/9/09**

HB 669 established a distressed wood products revolving loan account under the administration of the Department of Commerce. Loans must be used to sustain and grow the wood products industry in Montana. A loan may not exceed \$2 million and the loan must be repaid within 15 years.



---

**HB 674 Chas Vincent****Generally revise laws relating to state land****Chapter: 485      Effective Date: 5/10/09**

HB 674 established a public school land acquisition account under the administration of the DNRC. Money in the account may be used only for the purpose of purchasing and managing interests in and appurtenances to real property.

The state Board of Land Commissioners may request the Board of Examiners to issue bonds to provide the Board of Land Commission with up to \$21 million dollars worth of bond proceeds to fund the public school land acquisition account.

---

**SB 23 David Wanzonried****Revise revenue streams to oil, gas, and coal natural resource account****Chapter: 33      Effective date: 7/1/09**

SB 23 amends §90-6-1001, MCA, to separate the state oil, gas and coal natural resource account into two separate accounts for oil and gas and for coal. The coal natural resource account must be used by the coal board only for local impact grants under §90-6-205, through 207, MCA and costs related to administering the grants.

---

**SB 65 Bob Hawks****Revise trust land funding laws****Chapter: 465      Effective Date: 7/1/09**

SB 65 revises the manner in which state trust land administration is funded. It eliminates the resource development account, the recreational use account, the state timber sale account, and the state special revenue account for commercial leasing.

The trust land administration account under §77-1-108, MCA takes over most of the functions of the eliminated accounts. Funds within the trust land administration account are available to the DNRC by appropriation and must be used to pay the costs of administering state trust lands. Appropriations from the account for each fiscal year are statutorily limited, as before.

Administrative costs must be determined for each land trust. Portions of excess revenue may be deposited into the newly-created earnings reserve account. The forest improvement

account is funded from forest improvement fees levied upon timber sales.

The Board of Regents designates whether timber sale proceeds from university system lands are to be distributed to beneficiaries or placed in the permanent fund.

SB 65 also authorizes the DNRC to use funds from the trust land administration account for timber sale preparation, documentation, administration, and contract harvesting costs.

---

**SB 113 Jim Keane**

**State land fuel reduction pilot program**

**Chapter: 289      Effective Date 4/17/09**

SB 113 authorizes the DNRC to conduct a pilot program for fuels reduction in the wildland-urban interface.

---

**SB 465 Bradley Hamlett**

**Clarify ownership of streambeds concerning property taxation**

**Chapter: 472      Effective Date: 5/6/09**

Section two of SB 465 prohibits the Department of Revenue from re-calculating the area of riparian lands adjacent to navigable rivers or streams in the absence of an adjudication of the boundaries of the river or stream.

Section four of SB 465 establishes and preserves the rights of the owners of irrigation and utility structures and bridges that have been placed in navigable waters, and prohibits any designation of the land from taxable to non-taxable from interfering with the validity of any water right. The state is prohibited from interfering with access to any such structure in a navigable waterway.

Section six of SB 465 provides that: "The use of a ford or crossing on a navigable river or stream may not be considered a trespass." Likewise, this Act confirms that the state may not interfere with the right of state agricultural lessees to control noxious weeds along riparian boundaries of their leases.

Sections 10 and 11 of SB 465 allow both a state agricultural lessee and a mineral lessee to claim irrigation structures, or structures in rivers, as compensable improvements at the termination of a lease. Irrigation structures need not be removed at the termination of a state lease and may not be considered to be abandoned if they are not removed within 60

days.

Section 13 of SB 465 provides that water rights obtained in the name of the state upon state lands shall not interfere with a water right used in conjunction with a previously-existing structure in a navigable water way.

---

**SB 475 John Esp**

**Require notice of oil or gas lease sale**

**Chapter: 432      Effective Date: 10/1/09**

SB 475 revises the manner in which public notice is given for state of Montana oil & gas lease sales, requiring publication in newspapers of general circulation in Montana and on the department's website. It also establishes specific timelines and other requirements related to notice.

---

**SB 498 Keith Bales**

**Establish laws governing carbon sequestration**

**Chapter: 474      Effective Date: Various**

SB 498 provides a statutory framework for the sequestration of anthropogenic carbon dioxide.

It allows an operator of a carbon dioxide injection well, upon satisfaction of certain conditions, to make an application to the Board of Oil & Gas Conservation to transfer title to and liability for the stored carbon dioxide to the state of Montana. If such an application is made, the Board of Oil & Gas Conservation shall make a recommendation to the state Board of Land Commissioners as to whether title should transfer to the state. The state Board of Land Commissioners retains the discretion as to whether title to the carbon dioxide should transfer to the state of Montana.

---

**SB 507 Bob Story**

**Use of river beds**

**Chapter:: 475      Effective Date: 10/1/09**

SB 507 limits the manner in which the state of Montana may assert title to navigable waters. It allows persons making use of the beds of navigable water ways to obtain an easement upon payment of \$150 application fee and satisfaction of other conditions. The statute does

not recognize any discretion by the state Board of Land Commissioners to deny such an application.

---

## **Failed Legislation -- State Lands**

**HB 26 Ken Peterson**

Revise stream access at bridges

**HB 79 Wayne Stahl**

Uniform provisions for state land transactions

**HB 424 JP Pomnichowski**

Revise state land law to clarify public information

**HB 425 JP Pomnichowski**

Public notice for oil/gas leases on state land

**HB 448 JP Pomnichowski**

Revise state land law relating to inventory and classification

**SB 3 Jeff Essmann**

Revise procedures for Land Banking program sales and exchanges

**SB 258 Christine Kaufmann**

Revise oil and gas tax holiday

**SB 500 Jim Peterson**

Specify the proceeds of riverbed rent

---

## **TEACHER RECRUITMENT & RETENTION**

---

### **HB 46 John Fleming**

#### **Change date for quality educator loan repayment**

**Chapter: 59            Effective Date: 7/1/09**

HB 46 amends the eligibility criteria for the Quality Educator Loan Assistance Program established in §20-4-502, MCA. As amended, an educator's eligibility will be determined based on the educator's teaching assignments as reported by the school district to the Office of Public Instruction for the current school year rather than the previous school year.

---

### **HB 363 Llew Jones**

#### **Use retired teachers/administrators to fill vacancies without applicants**

**Chapter: 129            Effective Date: 7/1/09**

See summary under Employment Relations.

---

### **HB 659 Don Roberts**

#### **Require examination, recommendations for public pension benefit and plan changes**

**Chapter: 420            Effective Date: 7/1/09**

HB 659 directs the State Administration and Veterans' Affairs Interim Committee to examine and recommend to the 62<sup>nd</sup> Legislature funding and benefit changes in the Public Employees' and Teachers' Retirement Systems. The interim committee will review current trends and best practices in public retirement plan design and funding and examine various options for changes to each of the statewide retirement plans administered by the public employees' retirement board. Options may include, but are not limited to, changes in the benefit formula multiplier for each year of service; the minimum age at which a retirement plan member is eligible for full benefits or for reduced, early retirement benefits; and the minimum years of service required for a retirement plan member to be eligible for full retirement benefits or for reduced, early retirement benefits. The bill appropriates \$200,000 from the general fund to the legislative services division for the committee's work.

---

## **Failed Legislation -- Teacher Recruitment and Retention**

**HB 230 Edie McClafferty**  
Alternative teacher certification

**SB 279 Roy Brown**  
Teacher signing bonuses

## INDEX OF K-12 EDUCATION-RELATED BILLS

| <b>Bill</b> | <b>Sponsor</b> | <b>Short Title</b>   | <b>Pass/<br/>Fail</b> | <b>Category</b> |
|-------------|----------------|--|-----------------------|-----------------|
| HB 2        | Sesso          | General appropriations act   | P                     | Appropriations  |
| HB 3        | Ankney         | Supplemental appropriations  | P                     | Appropriations  |
| HB 12       | Wilmer         | Require employer contributions on<br>working retirees under certain conditions         | F                     | Emp. Relations  |
| HB 15       | Villa          | Fund K-12 education  | F                     | School Finance  |
| HB 16       | Ingraham       | Allow election administrators to<br>determine use of automarks at certain<br>elections | F                     | Elections       |
| HB 18       | Ingraham       | Mail ballot pilot project  | F                     | Elections       |
| HB 19       | Ingraham       | Revise and clarify state election laws   | P                     | Elections       |
| HB 26       | Peterson       | Revise stream access at bridges  | F                     | State Lands     |
| HB 30       | Wilmer         | Youth election judges  | F                     | Elections       |
| HB 34       | Wilmer         | Revise TRS retirement statutes; address<br>Return-to-work and funding issues           | P                     | Emp. Relations  |
| HB 45       | Ingraham       | Compliance with federal law for forest<br>reserve payments                             | P                     | School Finance  |
| HB 46       | Fleming        | Change date for quality educator loan<br>repayment assistance                          | P                     | Teacher R/R     |
| HB 47       | Grinde         | Quarter time ANB for 135 hours of<br>pupil instruction                                 | F                     | School Finance  |
| HB 49       | Lake           | Restrict cell phone use and texting while<br>driving                                   | F                     | Safety          |
| HB 55       | Hawk           | Geographical restrictions on juvenile<br>sexual offenders                              | P                     | Safety          |
| HB 56       | Bean           | Increase pupil transportation<br>reimbursements  | F                     | School Finance  |
| HB 57       | Bean           | Clarify school district consolidations<br>and annexations                              | P                     | Governance      |
| HB 59       | Hamilton       | Generally revise retirement laws to<br>comply with federal changes                     | P                     | Emp. Relations  |
| HB 61       | Sesso          | Revise interlibrary program  | P                     | Accred/Curric   |
| HB 65       | Sands          | Fund children management authorities<br>for mental health                              | F                     | At-Risk Youth   |
| HB 66       | Sands          | Fund mental health needs of young<br>children and certain high risk children           | F                     | At-Risk Youth   |

|        |              |  |   |                |
|--------|--------------|--|---|----------------|
| HB 72  | Sands        | Clarify duration of caretaker relative educational authorization affidavit   | P | At-Risk Youth  |
| HB 78  | Hendrick     | Revise timber salvage harvest laws   | P | State Lands    |
| HB 79  | Stahl        | Uniform provisions for state land transactions                               | F | State Lands    |
| HB 81  | Lake         | Study long-term impacts of budget and demographics driving costs             | F | School Finance |
| HB 83  | Dickenson    | Professional retirement option for K-12 workforce                            | F | Emp. Relations |
| HB 87  | Dickenson    | Provide increase in employer contribution to optional retirement program     | F | Emp. Relations |
| HB 88  | Washburn     | Revise close of late voter registration                                      | F | Elections      |
| HB 99  | Washburn     | Revise proof of residency requirements for voter registration and voting     | F | Elections      |
| HB 101 | Welborn      | Extend deadlines related to wage withholding in cases of theft               | P | Emp. Relations |
| HB 109 | Hunter       | Generally revise retirement statutes   | P | Emp. Relations |
| HB 119 | Hunter       | Revise employment laws, including workers' compensation                      | P | Emp. Relations |
| HB 140 | Vincent      | Increase excess sustained yield authority for forest health                  | P | State Lands    |
| HB 141 | Wilmer       | Accounting for certain post-retirement benefits                              | F | Emp. Relations |
| HB 142 | Wilmer       | Eliminate automatic trigger that decreases employer contribution             | F | Emp. Relations |
| HB 148 | Brown        | Clarify work comp going and coming to work status                            | F | Emp. Relations |
| HB 152 | Hamilton     | Quality schools facility grant program                                       | P | School Finance |
| HB 155 | Pomnichowski | Require state agencies to develop procedures to protect personal information | P | Safety         |
| HB 157 | Hunter       | Implement healthy kids initiative  | F | Safety         |
| HB 169 | Hamilton     | Clarify state payment of tuition for homeless students                       | F | School Finance |
| HB 178 | Wilmer       | Revise laws and funding for university system                                | F | Higher Ed      |
| HB 198 | Hamilton     | School employee health insurance incentive                                   | F | Emp. Relations |
| HB 209 | Phillips     | Revise school zone traffic laws  | F | Safety         |



|        |              |   |   |                |
|--------|--------------|---|---|----------------|
| HB 226 | Arntzen      | Grant for at-risk youth after school programs                                   | F | At-Risk Youth  |
| HB 230 | McClafferty  | Alternative teacher certification   | F | Teacher R/R    |
| HB 238 | Milburn      | Establish a Montana teen driver safety day                                      | P | Safety         |
| HB 240 | Lake         | Reduce business equipment property tax and reimburse local tax jurisdictions    | F | School Finance |
| HB 249 | Stahl        | Tax perpetual conservation easements - publicly owned are taxable               | F | School Finance |
| HB 252 | Campbell     | Sexual orientation and gender identity in human rights and government practices | F | Governance     |
| HB 305 | Boss Ribs    | Revise school retirement funding  | F | School Finance |
| HB 332 | Getz         | Address conflict between open meeting and student participation issues          | P | Governance     |
| HB 335 | Washburn     | Revise time of calculating ANB  | F | School Finance |
| HB 355 | McClafferty  | Fund math and science academy at Montana Tech                                   | F | Higher Ed      |
| HB 363 | Jones        | Use retired teachers/administrators to fill vacancies without applicants        | P | Emp. Relations |
| HB 369 | McClafferty  | Headstart funding   | F | School Finance |
| HB 372 | Wilmer       | Revise exemptions from jury duty  | P | Emp. Relations |
| HB 388 | Van Dyk      | Impose oil and gas surtax for quality educator energy for education payment     | F | School Finance |
| HB 397 | Kottel       | Establish close relative registry   | P | At-Risk Youth  |
| HB 402 | French       | Revise laws relating to land banking  | P | State Lands    |
| HB 403 | Kottel       | Include continuity of care in determining best interests of child               | P | At-Risk Youth  |
| HB 407 | MacDonald    | Protect children from sexual exploitation and abuse                             | P | At-Risk Youth  |
| HB 413 | Peterson     | Use coal tax to fund energy efficiency in public education facilities           | F | School Finance |
| HB 424 | Pomnichowski | Revise state land law to clarify public information                             | F | State Lands    |
| HB 425 | Pomnichowski | Public notice for oil/gas leases on state land                                  | F | State Lands    |
| HB 432 | Mehlhoff     | Authorize school trustee election by acclamation                                | P | Elections      |
| HB 433 | Malek        | Revise ages for compulsory school enrollment                                    | F | Accred/Curric  |

|        |              |   |   |                |
|--------|--------------|---|---|----------------|
| HB 442 | Stahl        | Revise motor vehicle fees for quality educator cars for kids payment                | F | School Finance |
| HB 448 | Pomnichowski | Revise state land law relating to inventory and classification                      | F | State Lands    |
| HB 450 | French       | Prohibit retaliation over job-related grievances                                    | F | Emp. Relations |
| HB 456 | Cohenour     | Require seat belts on new school buses  | F | Safety         |
| HB 459 | Grinde       | Create and fund K-12 distance learning network                                      | P | Accred/Curric  |
| HB 460 | Wiseman      | Citizen data protection   | F | Safety         |
| HB 461 | Arntzen      | Reporting for achievement gap funds   | F | School Finance |
| HB 462 | Arntzen      | Revise use of at-risk student payment   | F | School Finance |
| HB 463 | French       | Teacher retirement creditable service for active military duty                      | F | Emp. Relations |
| HB 464 | O'Hara       | Improve agricultural education  | P | Accred/Curric  |
| HB 466 | Beck         | Providing paid military leave for all public employees                              | P | Emp. Relations |
| HB 468 | Cohenour     | Allow hunter education to be taught in public schools                               | F | Accred/Curric  |
| HB 474 | McAlpin      | Encourage increased youth physical activity   | F | Accred/Curric  |
| HB 487 | McNutt       | Classify as business inventories certain farm implements and construction equipment | P | School Finance |
| HB 488 | Jones        | Revise territory transfer laws relating to K-12 school districts                    | P | Governance     |
| HB 509 | Ingraham     | Revise requirements for counting write-in votes                                     | P | Elections      |
| HB 512 | Cohenour     | Carry over of school district general fund balances                                 | F | School Finance |
| HB 513 | Cohenour     | Revise school district bonding capacity   | P | School Finance |
| HB 514 | Cohenour     | Exempt school districts from fuel taxes   | F | School Finance |
| HB 528 | Brown        | Enhanced penalties for teachers convicted of sex crimes with minors                 | F | Safety         |
| HB 539 | Glaser       | Revise school funding laws  | F | School Finance |
| HB 550 | Sands        | Increase funding for Indian education for all                                       | F | School Finance |
| HB 555 | Cohenour     | Allow any school board member to chair board  | F | Governance     |

|        |              |  |   |                |
|--------|--------------|--|---|----------------|
| HB 556 | MacLaren     | Require verification of work authorization status                                | F | Emp. Relations |
| HB 562 | Cohenour     | Allow change in application of Protested school taxes to GTB                     | P | School Finance |
| HB 580 | Caferro      | Revise unemployment insurance benefits and eligibility                           | F | Emp. Relations |
| HB 588 | Ankney       | Revise coal gross proceeds distribution  | P | School Finance |
| HB 589 | Pomnichowski | Revise work comp on proving occupational disease employment related              | F | Emp. Relations |
| HB 596 | Henry        | Healthy youth sex education  | F | Accred/Curric  |
| HB 603 | Hollenbaugh  | Authorize labor requirements in public works contracts                           | F | School Finance |
| HB 604 | Hamilton     | Revise basic entitlements  | F | School Finance |
| HB 611 | Jones        | Revise deposit of school interest and income money                               | F | School Finance |
| HB 613 | Sales        | Revise rules for determining residency for election purposes                     | F | Elections      |
| HB 617 | Furey        | Revise developmental disability laws   | F | At-Risk Youth  |
| HB 624 | More         | Revise school laws   | F | Governance     |
| HB 629 | Glaser       | Revise distribution of certain school revenue                                    | F | School Finance |
| HB 642 | French       | Certain centrally assessed pipelines are class 9 property                        | F | School Finance |
| HB 645 | Sesso        | Implement receipt of and appropriate federal stimulus and recovery funds         | P | Appropriations |
| HB 646 | Grinde       | Energy efficiency fund for K-12 schools  | F | School Finance |
| HB 653 | Pomnichowski | Revise base taxable value of TIF for local Disaster                              | P | School Finance |
| HB 654 | Brown        | 25% new resource development revenue to fund education and property tax relief   | F | School Finance |
| HB 658 | Jopek        | Mitigate reappraisal   | P | School Finance |
| HB 659 | Roberts      | Require examination, recommendations for public pension benefit and plan changes | P | Teacher R/R    |
| HB 666 | Stahl        | Mitigate property tax reappraisal and equalize property taxes                    | F | School Finance |
| HB 669 | Vincent      | Establish wood product industry loan program                                     | P | State Lands    |
| HB 671 | Stahl        | Revise method of calculating students  | F | School Finance |

|        |            |   |   |                |
|--------|------------|---|---|----------------|
| HB 672 | Jopek      | Constitutional amendment to cap property taxes                              | F | School Finance |
| HB 674 | Vincent    | Generally revise laws relating to state land                                | P | State Lands    |
| HB 675 | Wiseman    | Education energy trust fund to replace statewide school mills               | F | School Finance |
| HB 676 | Sesso      | Statutory implementation of general appropriations act                      | P | Appropriations |
| HB 679 | Stahl      | Eliminate defined benefit pensions; defined contribution as default         | F | Emp. Relations |
| HJ 2   | Jopek      | Revenue estimating resolution   | F | Appropriations |
| HJ 6   | Lake       | Urge development of K-12 education shared policy goals                      | P | Governance     |
| HJ 27  | Wilmer     | Urge learning and use of first nations names in their own language          | P | Accred/Curric  |
| HJ 28  | Butcher    | Interim study of self-governing authority by school boards                  | F | Governance     |
| HJ 43  | Wiseman    | Study transparency in government spending and revenue requirements          | F | Appropriations |
| HR 2   | McGillvray | Antibullying in schools resolution  | P | Governance     |
| SB 3   | Essmann    | Revise procedures for land banking program sales and exchanges              | F | State Lands    |
| SB 23  | Wanzenried | Revise revenue streams to oil, gas, and coal natural resource account       | P | State Lands    |
| SB 30  | Gebhardt   | Revise reimbursement for meals, lodging                                     | F | Emp. Relations |
| SB 48  | Essmann    | Standardize statutes related to tax increment finance districts             | P | School Finance |
| SB 61  | Hawks      | Public school consideration in impact fees                                  | F | School Finance |
| SB 65  | Hawks      | Revise trust land funding laws  | P | State Lands    |
| SB 67  | Laible     | Require funding before school rules with fiscal impact implemented          | F | School Finance |
| SB 69  | Branae     | Increase the quality educator payment                                       | F | School Finance |
| SB 70  | Branae     | Apply inflationary adjustments to K-12 BASE aid and general fund components | F | School Finance |
| SB 80  | McGee      | Elect Board of Regents  | F | Higher Ed      |
| SB 81  | McGee      | Elect Board of Public Education   | F | Governance     |
| SB 87  | Essmann    | Geographic restrictions for sex offenders                                   | F | Safety         |
| SB 88  | Tropila    | Revise and clarify school zone speed law                                    | P | Safety         |

|        |            |  |   |                |
|--------|------------|--|---|----------------|
| SB 113 | Keane      | State land fuel reduction pilot program  | P | State Lands    |
| SB 115 | Kaufmann   | Simplify income calculations for certain property tax assistance programs        | P | School Finance |
| SB 165 | Lewis      | Revise school budget timelines   | F | School Finance |
| SB 173 | Murphy     | Clarify ability of school districts to share superintendents and principals      | P | Governance     |
| SB 196 | Windy Boy  | Designate American Indian Heritage Day   | P | Accred/Curric  |
| SB 198 | Lewis      | Tax biomass generation facilities up to 25 megawatts as class 14 property        | P | School Finance |
| SB 216 | Laslovich  | Revise laws on school district interlocal agreements and on calculating ANB      | P | School Finance |
| SB 234 | Gillan     | Insurance coverage for autism  | P | At-Risk Youth  |
| SB 241 | Balyeat    | Taxpayer Right to Know Act - budget database website                             | F | Appropriations |
| SB 251 | Wanzenried | Unemployment benefits for certain school employees between terms                 | F | Emp. Relations |
| SB 258 | Kaufmann   | Revise oil and gas tax holiday   | F | State Lands    |
| SB 266 | Cooney     | Authorize school levy to pay health insurance premiums                           | F | School Finance |
| SB 272 | McGee      | Exclude public schools from impact fees  | F | School Finance |
| SB 273 | Laslovich  | Revise school trustee laws   | P | Governance     |
| SB 274 | Curtiss    | Constitutional amendment to allow acquisition value for property taxation        | F | School Finance |
| SB 276 | Squires    | Require absentee voter confirmation forms to be mailed annually, only in January | P | Elections      |
| SB 279 | Brown      | Teacher signing bonuses  | F | Teacher R/R    |
| SB 302 | Wanzenried | Revise school funding law by increasing general fund budget amount               | F | School Finance |
| SB 304 | Brown      | Keep our kids here tax credit  | F | School Finance |
| SB 308 | Keane      | Revise calculation of standard prevailing wage rates                             | P | Emp. Relations |
| SB 312 | Story      | Drug and alcohol testing for certain occupations                                 | F | Emp. Relations |
| SB 313 | Laible     | Revise school funding laws   | F | School Finance |
| SB 340 | Laslovich  | Revise emancipation laws   | P | At-Risk Youth  |
| SB 342 | Essmann    | Student scholarship organizations and tax  | F | Higher Ed      |
| SB 349 | Tutvedt    | Revise state bidding requirements to protect proprietary information             | F | Appropriations |

|        |                 |   |   |                              |
|--------|-----------------|---|---|------------------------------|
| SB 363 | Stewart-Peregoy | Exempt speaking at public function from work comp covered employment    | F | Emp. Relations               |
| SB 367 | Hamlett         | Electronic absentee voting for military                                 | P | Elections                    |
| SB 371 | Perry           | Clarify application of "at work" for work comp purposes                 | F | Emp. Relations               |
| SB 382 | Shockley        | Prohibit noncooperation practices concerning illegal aliens             | F | Emp. Relations               |
| SB 394 | Bales           | Expand types of elections that may be conducted by mail ballot election | F | Elections                    |
| SB 399 | Laslovich       | Report on placement of youth with mental health needs                   | P | At-Risk Youth                |
| SB 450 | Keane           | DUI surcharge to fund scholarship                                       | F | Higher Ed                    |
| SB 460 | Story           | Committee to oversee and evaluate stimulus package funding              | F | School Finance               |
| SB 465 | Hamlett         | Clarify ownership of streambeds concerning property taxation            | P | School Finance & State Lands |
| SB 475 | Esp             | Require notice of oil or gas lease sales                                | P | State Lands                  |
| SB 477 | Kaufmann        | School district permissive levy for over-BASE budget                    | F | School Finance               |
| SB 484 | Balyeat         | Adjust retirement dates for new PERS and TRS hires                      | F | Emp. Relations               |
| SB 489 | Essmann         | Revise taxation laws related to pipelines                               | P | School Finance               |
| SB 490 | Brown           | Increase class 8 business equipment tax exemption                       | F | School Finance               |
| SB 494 | Windy Boy       | Address bullying in the workplace                                       | F | Emp. Relations               |
| SB 496 | Peterson        | Clarify funding of MUS optional retirement program                      | F | Higher Ed                    |
| SB 498 | Bales           | Establish laws governing carbon sequestration                           | P | State Lands                  |
| SB 500 | Peterson        | Specify the proceeds of riverbed rent                                   | F | State Lands                  |
| SB 507 | Story           | Use of river beds   | P | State Lands                  |
| SB 509 | Gebhardt        | Revise contract sales price of underground mined coal                   | P | School Finance               |
| SB 510 | Gebhardt        | Abatement of half of coal gross proceeds tax for new underground mine   | P | School Finance               |
| SB 512 | Windy Boy       | Educational tax credits   | F | School Finance               |
| SJ 2   | Lewis           | Study community college establishment process                           | P | Higher Ed                    |
| SJ 3   | Laible          | Interim study to consider establishment of Montana Scholarship Program  | P | Higher Ed                    |

|       |          |   |   |               |
|-------|----------|---|---|---------------|
| SJ 4  | Laible   | Study option for improving administrative efficiencies in school system | F | Governance    |
| SJ 8  | Hawks    | Urge development of K-20 education shared policy goals                  | P | Governance    |
| SJ 12 | Laible   | Approve Bitterroot Valley Community College                             | F | Higher Ed     |
| SJ 23 | Moss     | Resolution promoting Children in Nature                                 | F | Accred/Curric |
| SJ 25 | Peterson | Urge study of rural-urban issues by university system                   | F | Higher Ed     |
| SJ 34 | Juneau   | Study educational achievement   | F | Accred/Curric |



Denise Juneau, Superintendent  
Montana Office of Public Instruction  
[www.opi.mt.gov](http://www.opi.mt.gov)

The OPI attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the office. Alternative accessible formats of this information will be provided upon request. For further information, call (406) 444-3172 or TDD (406) 444-0235. A total of 2,500 copies of this public document were published at an estimated cost of \$ . per copy for a total cost of \$ .00. This cost is for production only.

The Office of Public Instruction is committed to equal employment opportunity and non-discriminatory access to all our programs and services. For information or to file a complaint, please contact the OPI Personnel Division, (406) 444-2673.