



# MREA 67<sup>th</sup> Legislative Session Overview

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What follows is a compressed overview of the 67<sup>th</sup> Legislative Session. MREA has identified 59 bills that have passed through the Legislature that we believe would be important to share with you at this time.

Some of these bills have been signed by the Governor (45), some have not (14). Some may even be vetoed after the release of this document.

House Bill 2 has been intentionally left out and suffice it to say no statutory funding was changed to decrease state school funding through legislating HB2. As of May 12, the Governor has not signed HB2.

Each bill listed is presented in the following format:

1. Bill title and sponsor
2. Impact on rural schools (what you need to know for the next 6 months)
3. General bill description
4. Bill status and effective date

I have identified 20 bills that will have **no immediate of direct impact** on rural schools. 2 of these bills have delayed impact until 2022.



## **Policy Bills**

**HB26** Clarify the definition of pupil, sponsor Rep. Funk.

It appears there will be **no immediate or substantial impact** on rural schools from this bill.

HB26 revised school laws to simplify the definition of pupil and ensure that older students admitted at the discretion of trustees are considered pupils. It also clarified the prohibition on pupils 19 years of age or older being included in ANB calculations.

HB26 was signed by the Governor 2/23 and was effective on passage and approval.

**HB68** Provide early school enrollment for children of relocated military families, sponsor Rep. Bertoglio.

**Unless** your district is near a military installation, **this bill won't impact your district.**

HB68 revises laws related to school admission requiring trustees to allow children of military families that are relocating to Montana under military orders to preliminarily enroll in classes prior to establishing residency.

HB68 was signed by the Governor on 2/23 and was effective on passage and approval.

**HB89** Revise transformational learning program, sponsor Rep. McKamey.

Districts applies for transformational learning grants can expect a lottery process instead of first come-first serve, as in the past, when applications are greater than available funding.

HB89 was signed by the Governor on 4/16 and is effective July 1, 2021.

**HB246** Revise education laws to enhance local control and opportunities for pupils, sponsor Rep. Bertoglio.

HB246 is a lengthy bill in that it revises 8 existing statutes and is 18 pages long in written form. More details will be forthcoming soon. Without a deep dive, the general intent of the bill is to:

- Revise education laws to increase opportunities for pupils by broadening the concept of instruction to expand a focus on the outcome of learning for each pupil.
- Revise teacher, specialist, and administrator certification to codify rules of the board of public education to assist in the interpretation of what will be statute for out of state applicants that are nationally board certified seeking to get licensed in Montana.
- Streamline the process of licensing to assist school districts with recruiting and retaining qualified educators by codifying the licensing and endorsing of out of state teachers who have had 5 years of experience and by providing more flexibility in licensing of individuals seeking a Class 4 license.
- Clarify the conditions under which a school board may qualify for emergency authorization to employ an unlicensed teacher and provide for this authorization for Montana licensed, but improperly endorsed teachers.
- Codify the authority of school boards to waive specific course requirements based on individual pupil needs, interests, and performance levels.
- Codify the authority of school boards to grant credit for any course when a pupil has gained proficiency over course content through alternative means.
- Authorize school boards to expand partnerships with work-based learning partners and grant equivalent credit for time spent by a pupil participating in on-the-job experiences.



- Authorize an elected school board to allow nonresident students to participate in offsite instruction in certain circumstances.

HB246 was signed by the Governor on 4/19 and was effective on passage and approval.

**HB257** Revise laws relating to government mandates and businesses, sponsor Rep. Hinkle.

This bill has **no immediate or direct impact** on Montana rural schools.

HB257 revises laws related to prohibiting actions that impede a private business's ability to conduct business by prohibiting certain types of local government ordinances and resolutions. It also prohibits an emergency plan or program that restricts the ability of a private business to conduct business and prohibits a local board of health and local health officer from certain actions that restrict the same.

HB257 was signed by the Governor on 5/7 and was effective on passage and approval and has a retroactive applicability date on or after May 1, 2021.

**HB362** Clarify credit for military leave during employment, sponsor Rep. Fitzgerald

Only if a district does not have military leave recognized in their CBA, then HB362 **will have no impact** on return military personnel.

HB362 states that military leave is credited in full after 6 months of employment regarding hours of leave in applicable circumstances.

HB362 was signed by the Governor on 4/19 and was effective on passage and approval.

**HB435** Generally revise civil liability laws for government, sponsor Rep. Mercer.

If HB435 becomes law, it will immediately come into effect and will help rural schools in Montana addressing frivolous lawsuits related to COVID-19.

HB435 generally revised civil liability laws by setting conditions on civil actions for exposure to COVID-19 liability including public schools. It limits liability of schools by providing an affirmative defense for those who comply with certain types of regulations.

As of 5/13, the Governor has not signed HB435. Although HB435 is effective up passage and approval, it does terminate on December 31, 2031.

**HB543** Revise laws related to school instruction on the Constitution and the Pledge, sponsor Rep. Phalen.

Our recommendation is that school districts review their instruction relative to the US Constitution for grades 3-12 and decide for themselves whether they are meeting the intent of HB543. There is no responsibility given to any state agency to make sure school districts meet some arbitrary standard. Also, school are directed to include a moment of silence after the Pledge of Allegiance is completed each day.

HB543 generally revised education laws by requiring pupils in grades 3 through 12 to receive instruction about the United States Constitution, authorizing public schools to include a moment of silence after the Pledge of Allegiance to the United States flag.

HB542 was signed by the Governor on 4/16. It is effective July 1, 2021.



**HB556** Provide alternative means of earning high school diploma, sponsor Rep. Walsh.

HB556 will have **no immediate impact** on rural schools in Montana as it requires the development of a process by the OPI which will include implementation guidelines.

HB556 provides students alternative means of earning a high school diploma. The bill requires the superintendent of public instruction to create a process for students to demonstrate proficiency of high school content standards through alternative means.

HB556 was signed by the Governor on 4/16 and was effective upon passage and approval.

**HB611** Revise requirements for American flags at schools, sponsor Rep. Fitzgerald.

Rural schools in Montana should check to ensure that any flag outdoors is at least 3' by 5' and no larger than 4' by 5'. Also, ensure that indoor flags are at least 16" by 24". There is a maximum limit of 3' by 5', but if a flag is larger than that the noted size is outdoors or indoors there is no reason to expect any issues related to that circumstance.

HB611 revises requirements for American flags displayed inside and outside public schools by changing the size requirements from 4 by 5 feet outdoors to 3 by 5 feet and from 3 by 5 feet indoors to 16 inches by 24 inches.

HB611 was signed by the Governor on 4/19 and is effective on passage and approval.

**HB644** Establish tribal computer programming boost scholarship program, sponsor Rep. Windy Boy.

There is **no reason to expect there to be any immediate impact** on rural schools as a result of HB644 becoming law. There is a \$32,000 annual appropriation to fund the scholarship program, BUT nothing will start moving until OPI develops guidelines that are ready for implementation.

This bill establishes the tribal computer programming boost scholarship program by assigning administration of the teacher professional development component of the program to the Office of Public Instruction and the incentivized student training component of the program to the department of labor and industry.

HB644 was signed by the Governor on 5/7 and was effective upon passage and approval.

**SB18** Establish graduation requirements for educationally-disrupted youth, sponsor Senator Salomon.

SB18 will impact rural high schools beginning the 2021-22 school year. For seniors who have had their education experience disrupted as defined in this bill AND do not meet the number of credits for graduation set by the local trustees, but who do have 20 credits in the content areas set by the Board of Public Education [ARM 10.55.905](#) the trustees SHALL award the student a diploma. This diploma may be distinguished in a "reasonable manner" from other diplomas issued by the trustees.

This bill allows certain high school students who meet the state minimum graduation credit requirement to receive a diploma from a district that has a higher credit requirement.

SB18 was signed by the Governor on 3/26 and was effective on passage and approval.



[SB99](#) Establish parameters for K-12 human sexuality education, sponsor Senator Smith.

Beginning in the 2021-22 school year, rural schools will need to continue their opt-out procedures when it comes to human sexuality instruction at any grade level. This will include informing parents in advance when events, courses, or instruction related to human sexuality will occur.

SB99 establishes parameters for K-12 human sexuality education by allowing a parent or guardian of a child to remove the child from human sexuality instruction. It provides a definition of human sexuality instruction and requires a school district to inform a parent or guardian when events or courses on human sexuality will be held or taught. It also prohibits a school district from allowing any abortion services provider to offer materials or instruction at a school.

SB99 was signed by the Governor on 4/30 but is not effective until July 1, 2021.

[SB109](#) Revise laws related to gifted and talented education, sponsor Senator Salomon.

Rather than only following accreditation standards, rural schools now have a statute that requires them to identify and provide services to gifted students.

SB109 requires school districts to identify gifted and talented children which is an identical requirement that has been in place in accreditation standards promulgated by the BPE since 2013 in ARM [10.55.804](#).

SB109 was signed by the Governor on 4/9 but isn't effective until July 1, 2021.

[SB206](#) Revise report publication date for teacher loan forgiveness program, sponsor Senator Sweeney.

SB206 will have **no direct impact** on rural schools.

SB206 revises the laws related to the quality educator loan assistance program by revising the timing of the annual report of the board of public education for the program. The timing changes from December to February 1.

SB206 was signed by the Governor on 4/30 and was effective upon passage and approval.

[SB300](#) Generally revise laws related to driver education, sponsor Senator Glimm.

SB300 will be difficult to predict when the bill will have any immediate impact on rural high school relative to their driver's education programs. This bill will not impact any school district until OPI develops their criteria for authorizing private providers including online instruction for the classroom portion of driver education programming. The most likely private programming to impact rural high schools will be a vendor offering online instruction to students in your community and parents providing driving instruction.

SB300 revises traffic education laws by revising the traffic education duties of the Superintendent of Public Instruction. It authorizes the Superintendent to approve private traffic education courses, authorize a school district to provide the traffic education classroom instruction in a distance learning format, allow a parent or guardian of a student who completes the traffic education classroom instruction to instruct the student in the hands-on driving portion of the traffic education course. It also allows for a temporary opportunity for a student to obtain a learner license after taking an online traffic education course due to the COVID-19 pandemic.

The Governor signed SB300 on 5/10, it was effective upon passage and approval and will terminate June 30, 2023.

[SB398](#) Generally revise vaping laws, sponsor Senator Ellsworth.



Schools may experience an increase in vaping products in the school environment once local vendors begin supplying new product lines that will become legal as a result of SB398.

SB398 revises laws relating to alternative nicotine products, vapor products, and tobacco by limiting local governing units from prohibiting the sale of alternative nicotine products or vapor products; increasing the fee to sell alternative nicotine products or vapor products and certain tobacco products.

As of 5/13 the Governor has not signed SB398. It will be effective upon passage and approval.

**SB400** Restrict governmental entity from interfering with parental rights, sponsor Senator Manzella.

I'm going to defer to the attorneys to interpret the possible impact SB400 may have on public schools. Some good news, in the final days SB400 was amended to include language that will impose a penalty of "reasonable attorney fees and costs" on parents who wish to bring a frivolous lawsuit. If districts were to lose a legitimate complaint, the district will be responsible for "reasonable attorney fees and costs" incurred by the parent.

SB400 restricts governmental entities, including a public school, ability to interfere with fundamental parental rights. It establishes a cause of action for interference with parental rights.

As of 5/13 the Governor has not signed SB400, but if he does it will be effective upon passage and approval.



## **Funding Bills**

**HB3** Supplemental Appropriations, sponsor Rep. Bedey.

This bill has **no impact** on rural schools.

HB3 appropriated \$4,500,000 to OPI for the fiscal year ending June 30, 2021 in order to ensure there was enough state funding for public schools to finish the current school year.

HB3 was signed by the Governor on 2/18 and was effective on passage and approval.

**HB15** Implement K-12 Inflation, sponsor Rep. Anderson.

HB15 will assist rural schools in their budget building process for the FY22 school year.

HB15 applies inflationary increases to state level school funding formula components at 1.5% for the first year of the next biennium and 2.57% in the final year.

HB15 was signed by the Governor on 2/25 and is effective July 1, 2021.

**HB46** Revise special education funding, sponsor Rep. Bedey.

HB46 adds state special education funding to those BASE budget funding elements that receive statutory inflationary increases. Funding for this will not come from the state general fund until the FY25 biennium. Rural schools will see this pop up in their FY24 budget spreadsheets.

HB46 revises special education funding laws by including the special education allowable cost payment in the definition of "base aid", by establishing a method for calculating the total special education allocation, and by applying the inflation factor calculated under 20-9-326 to the total special education allocation for determining the present law base calculated under title 17, chapter 7, part 1.

The Governor signed HB46 on 5/12 and it is effective July 1, 2021.

**HB233** Revise funding for students with disabilities, sponsor Rep. Anderson.

HB233 will likely have **no impact** on rural schools.

Revises age parameters related to school funding by revising the definition of pupil and allowing certain students with disabilities up to 21 years of age to be included in average number belonging calculations.

The Governor signed HB233 on 5/7 and it is effective July 1, 2021.



**HB630** Appropriate CARES II funds, supplemental, and temporarily revised funding, sponsor Rep. Bedey.

The definitive impact of HB630 on rural schools is uncertain at this time. MTPEC has prepared a guidance document to assist school understand the use of ESSER/CARES II funds and it can be found at: <https://mrea-mt.org/wp-content/uploads/2021/05/FINAL-MT-PEC-ELEMENTARY-AND-SECONDARY-SCHOOL-EMERGENCY-RELIEF-ESSER-FUND-GUIDANCE.pdf>.

We will need to wait for final OPI regs, but here's what we know today. HB630 revises state finance laws related to appropriating federal funds for COVID-19 relief for the fiscal year ending June 30, 2021 by establishing a temporary maintenance of equity payment for school districts, by temporarily suspending anticipated enrollment increases due to COVID-19, by temporarily modifying financial support for unanticipated enrollment increases due to COVID-19, and by allowing COVID-19 relief appropriations to continue into the biennium beginning July 1, 2021.

As of 5/13 the Governor has not signed HB630. When he does it will be effective on passage and approval.

**HB632** Implement receipt of and appropriate federal stimulus and COVID recovery funds, sponsor Rep. Garner.

The definitive impact of HB632 on rural schools is uncertain at this time. MTPEC has prepared a guidance document to assist school understand the use of ESSER/CARES III funds and it can be found at: <https://mrea-mt.org/wp-content/uploads/2021/05/FINAL-MT-PEC-ELEMENTARY-AND-SECONDARY-SCHOOL-EMERGENCY-RELIEF-ESSER-FUND-GUIDANCE.pdf>.

ESSER III implementing the American Rescue Plan act provides appropriations and allocations of federal funds and other funds available by allowing appropriations to continue into the 2023 and 2025 bienniums. There are some conditions and restrictions on the use of funds that have yet to be defined. It does prohibit the use of American Rescue Plan act funds for lobbying activities, but this does not apply to schools.

HB632 was signed by the Governor on 4/30 and it was effective on passage and approval.

**HB671** Implement provisions of HB2 - Section E - education, sponsor Rep. Bedey.

HB671 is known as the companion bill to HB2 and will have no immediate impact on rural schools.

HB671 implements the provisions of house bill 2 by providing for interim studies on educational fiscal matters, requiring the OPI and the DPHHS to collaborate in supporting school districts in seeking reimbursement for school-based eligible services under Medicaid and the children's health insurance program. It revises laws related to preserving Montana Indian languages, Montana Indian language preservation program, it eliminates the terminations of the Montana Indian language preservation program and the cultural integrity commitment act.

As of 5/13 the Governor has not signed HB671, when he does it will be effective July 1, 2021.



**SB23** Eliminate state school flexibility account, sponsor Senator Salomon.

SB23 will have **no impact** on rural schools.

SB23 revises school funding laws related to the state special revenue school flexibility account, by eliminating the state special revenue school flexibility account, including definitions related to the account's distribution formula, and the local levy dependent on the state distribution.

SB23 was signed by the Governor on 2/23 and it will be effective on January 1, 2024.

**SB24** Allow non-operating school districts to retain oil and gas revenue, sponsor Senator Salomon.

SB24 will have **no impact** on operating rural school districts.

The bill revises school funding laws to allow non-operating school districts to retain a portion of oil and natural gas production taxes.

SB24 was signed by the Governor on 2/23 and it becomes effective July 1, 2021.



## **School Finance Bills**

**HB32** Repeal ending fund balance limits for school district funds, sponsor Rep. Sue Vinton.

Effective immediately there are no longer limits on ending fund balances.

HB32 eliminated the implementation of ending fund balance limits for public school districts in Montana.

HB32 was signed by the Governor on 3/31 and was effective on passage and approval.

**HB33** Clarify school funding related to anticipated enrollment increases, sponsor Rep. Vinton.

HB33 changes the increase of basic entitlement and total per ANB entitlement to BASE aid and special education allowable cost payment when there is an anticipated increase in enrollment. If the actual enrollment is less than the enrollment used OPI will make recalculations that will take into account, the greater of the district's unadjusted enrollment or the actual enrollment.

HB33 clarifies school funding laws related to anticipated enrollment increases to include special education allowable cost payments and to allow increases in BASE aid instead of the basic entitlement.

HB33 was signed by the Governor on 4/1 and is effective July 1, 2021.

**HB129** Revise the Family Education Savings Act, sponsor Rep. Bedey.

HB129 has **no operational impact** on rural schools in Montana.

HB129 revising the family education savings act by revising qualifying expenditures to include any expenses permitted under section 529 of the internal revenue code, revising program requirement, and revising the duties of the board of regents in administering the family education savings program.

HB129 was signed by the Governor on 4/30 and applies to tax years beginning after December 31, 2020.

**HB192** Revising laws related to school major maintenance funding, sponsor Rep. Reksten.

HB192 impacts notification of voters about nonvoted levies by excluding the building reserve fund. It clarifies that school districts must have a school safety plan or emergency operations plan certified by OPI in order to transfer state or local revenue to the building reserve fund. It removes the list of repairs that are allowable and requirements to make some updates before making others.

HB192 revises laws related to school major maintenance and safety funding by increasing the transparency of the notice requirements for the nonvoted building reserve levy for major maintenance, clarifying when safety transfers to the building reserve fund may be made; increasing the school major maintenance amount and the multiplier used to calculate state major maintenance aid and simplifying the uses of the state major maintenance aid.

HB192 was signed by the Governor on 4/19 and is effective on July 1, 2021.

**HB206** Revise education laws related to tuition and in-state treatment, sponsor Rep. Bedey.

HB206 will have no impact on schools until the next school year.

HB206 revises tuition and in-state treatment laws by establishing a tuition per-ANB amount that reflects updates to the school funding formula, requiring the district of residence to contribute a portion of the tuition costs for pupils placed in group homes or foster care and for a portion of the educational costs of eligible children in in-state



children's psychiatric hospitals and in-state residential treatment facilities and revising funding for the educational costs of eligible children in in-state children's psychiatric hospitals and in-state residential treatment facilities.

The Governor signed HB206 on 5/4 and it is effective on July 1, 2021.

[HB279](#) Revising the family education savings act, sponsor Rep. Bedey.

HB279 will have **no operational impact** on rural schools.

Revising qualifying expenditures to include any expenses permitted under section 529 of the internal revenue code; revising program requirements; revising the duties of the board of regents in administering the family education savings program; revising definitions.

As of 5/13 the Governor has not signed HB279. When he does it is effective on passage and approval.

[HB454](#) Revise school tuition laws, sponsor Rep. Ricci.

HB454 will not impact rural schools until the next school year. If tuition agreements are finalized for the next school year on or before June 30, 2021 HB454 has no effect. If tuition agreements are finalized on or after July 1, HB454 may impact those agreements.

HB454 revised laws related to school tuition that clarified the entities for which a district may choose to waive tuition. It authorizes trustees of a unified school system to waive tuition regardless of whether the student was or was not a resident of the elementary district unified with a county high school.

The Governor signed HB454 on 4/15 and it is effective on July 1, 2021.

[SB75](#) Revise school funding laws related to unforeseen emergencies, sponsor Senator Salomon.

SB75 won't impact rural schools until after July 1 and only if there are emergency closures enacted by the trustees or Governor.

SB75 revises and clarifies school funding laws related to minimum aggregate hours and unforeseen emergencies by allowing instruction on a Saturday to make up instructional time lost due to an unforeseen emergency and by redefining what constitutes a reasonable effort (which is making up 75% of lost time) to make up instructional time lost due to an unforeseen emergency.

SB75 was signed by the Governor on 4/08 and is effective July 1, 2021.



## **Recruitment Bills**

**HB143** Provide incentives for increasing starting teacher pay, sponsor Rep. Llew Jones.

HB143 **will not distribute state funding assistance to rural schools until the 2022-23** school year. The 2021-22 school year will be when schools collect information for eligible teachers and school districts where the base entry level salary was at least \$33,850. OPI will be drafting regulations that should be out by early fall.

HB143 incentivizes increases in base pay for teachers in public school districts by providing an additional quality educator payment for participating districts in order to assist schools with having a competitive base pay for teachers.

HB143 was signed by the Governor on 3/9 and is effective July 1, 2021.

**HB403** Create "grow your own" teacher grant program, sponsor Rep. Running Wolf.

**I would not expect any benefit from HB403 in at least the next 6 to 8 months.** Both the OPI and the OCHE need to develop regulations and guidelines which I anticipate being a slow process.

HB403 provides for laws addressing educator recruitment and retention problems in rural Montana and Indian country by establishing a multifaceted grow your own grant program administered by the commissioner of higher education to strengthen teacher pipelines.

As of 5/13 the Governor has not signed HB403. When he does it will be effective July 1, 2021 and will terminate June 20, 2027.

## **Transportation Bills**

**HB207** Generally revise school bus safety laws, sponsor Rep. Duram.

HB207 is an optional provision for school busses to have more than 4 amber signal lamps to be used when preparing to stop.

HB207 revises laws related to school bus lighting and it authorizes the use of additional flashing red lights on school buses.

HB207 was signed by the Governor on 4/19 and was effective on passage and approval.

**HB267** Improve school bus safety laws, sponsor Rep. Duram.

HB267 does not take effect until 10/1/2021 regarding vehicles passing a stopped school bus, use of flashing red lights when stopped in certain circumstances, and the trustees approving each route that requires students to cross the street or road. There is a provision requiring some school busses to be equipped with an extended arm, but that requirement does not take effect until July 1, 2022.

HB267 revises laws related to approaching and passing school buses by prohibiting a motor vehicle from overtaking a stopped school bus on the right, prohibiting a school bus from actuating flashing red lights when the bus is stopped outside of the roadway to receive or discharge school children and requiring use of extended stop arms in certain circumstances. It also requires school district trustees to approve each bus stop that requires a school child to cross the street.



As of 5/13 the Governor has not signed HB267. When he does HB267 is effective October 1, 2021 except section 2(5) which is effective July 1, 2022. Section 2(5) has to do with equipping school busses with an extended arm in certain circumstances.

**HB300** Generally revise school transportation laws, sponsor Rep. Schillinger.

HB300 provides some flexibility in transporting student to school sponsored functions and activities, NOT as part of a bus route.

HB300 revises school transportation laws by authorizing the use of 8-passenger to 15-passenger vehicles for transportation of students to and from certain events.

HB300 was signed by the Governor on 4/28 and will be effective on July 1, 2021.

**SB74** Revise county school transportation laws, sponsor Senator Salomon.

SB74 will have impact on county transportation committees differently across Montana. If your committee has proper representation as defined in the statute, all is well. If not, some changes will need to be made.

The bill revises the composition of county transportation committees. It requires a representative from each school district or system within a county to be a member of the committee and it clarifies that each member of the committee is a voting member.

SB74 was signed by the Governor and is effective on July 1, 2021.

## **Pension Bills**

**HB76** Revise Montana VEBA provisions, sponsor Rep. Greg Frazer.

Unless a school district provides for a VEBA for retiring employees, HB76 **will have no impact** on rural schools.

HB76 generally revises administrative provisions of the voluntary employee benefit association (VEBA) act that allows public employees to use unused leave for medical expenses on a tax-exempt basis.

HB76 was signed by the Governor on 4/01 and was effective on passage and approval.

**HB81** Generally revise laws on administration of MPERA retirement systems, sponsor Rep. Hamilton.

HB81 will have **no direct operational impact** on rural schools but may impact school employees.

HB81 revises laws related to the administration of the public employee retirement systems administered by the public employees' retirement board by revising provisions related to alternate payee rights under family law orders, required benefit distributions under federal law, and military service purchase eligibility, by clarifying when guaranteed annual benefit adjustments may commence, by clarifying the amount of the guaranteed annual benefit adjustment payable under the public employees' retirement system defined benefit plan, and by clarifying provisions governing long-term disability benefit payments under the public employees' retirement system defined contribution plan.

The Governor signed HB81 on 4/11 and is effective July 1, 2021.



[HB88](#) Generally revise laws on administration of TRS, sponsor Rep. Bertoglio.

HB88 should have **no direct operational impact** on rural schools but may impact school employees.

This bill revises administrative provisions of the teachers' retirement system by clarifying the definition of earned compensation, clarifying employer reporting requirements, revising mandatory distribution provisions to conform with federal law, and correcting the referenced time period for reporting compensation earned by a disabled member. This bill was requested by the Governing Board of the Montana TRS.

The Governor signed HB88 on 4/11 and it is effective July 1, 2021.

[HJ8](#) Provide for a study of pension laws, sponsor Rep. Garner.

HJ8 will have **no impact** on rural schools. This is a study bill.

HJ8 calls for an interim study of Montana's public employee retirement systems and the development of recommendations for a long-term strategic approach to funding the retirement systems recognizing the concerns of all stakeholders, including the citizens of Montana.

## **CTE Related Bills**

[HB252](#) Non-refundable tax credit for employer-paid education of trade professions, sponsor Rep. Jones.

HB252 may impact rural high schools where work-based opportunities exist or could exist easily. There is no direct benefit to schools, but there is an incentive to an employer to collaborate with schools to provide a work-based opportunity for students.

HB252 establishes an employer tax credit for trades education and training expenses by providing that the credit be taken against individual income tax and corporate income tax liabilities.

It was signed by the Governor on 4/19 and was effective on passage and approval.

[HB282](#) Revise labor laws relating to the employment of minors, sponsor Rep. Anderson.

HB282 may impact rural high schools where work-based opportunities exist or could exist easily.

HB282 revises laws relating to the employment of minors, allowing student-employees 16 years of age or older to perform work functions under certain circumstances in agriculture settings to allow a student-learner to perform regular work functions.

HB282 was signed by the Governor on 4/1 and was effective on passage and approval.

[HB283](#) Revise workers' compensation laws relating to student interns, Rep. Anderson.

HB283 may impact rural high schools where work-based opportunities exist or could exist easily.

HB283 requires workers' compensation insurance coverage for student volunteers enrolled in an elementary or secondary school and allows the business partner and the school district to mutually determine and agree in writing whether the business partner or the school district elects coverage for the student volunteer.

HB283 was signed by the Governor on 4/1 and was effective on passage and approval.



[SB22](#) Clarify amount of support for state-level strengthening CTSO program, sponsor Senator Salomon.

SB22 will be in effect for the 2021-22 school year, but since there was no change to the appropriations to CSTO programming there will be **no impact** on rural high schools.

SB22 revises laws related to secondary K-12 career and vocational/technical education programs. It clarifies state support for these programs and for state-level strengthening career and technology student organizations. CTSO programs will receive 25% of the amount appropriated by the state to ensure their viability.

SB22 was signed by the Governor on 3/23 and is effective July 1, 2021.

## **Extracurricular Bills**

[HB112](#) Require interscholastic athletes to participate under sex assigned at birth, sponsor Rep. Fuller.

Unless a rural school has a transgender student that wishes to participate in athletic activities based on their selected gender when it is not the same as their gender assigned at birth, HB112 will have no impact on rural schools.

HB112 requires public school athletic teams to be designated based on biological sex, by providing a cause of action for certain violations of the act.

HB112 was signed by the Governor on 5/7 and is effective July 1, 2021.

[SB157](#) Allow nonpublic students to participate in public school extracurriculars, sponsor Senator Hinebauch.

If non-public school students wish to participate in public school activities, they must be allowed to do so only if they meet certain criteria. That criteria are defined in statute and is not optional on the trustee level. The student must meet the requirements of non-public schools including homeschools. The County Superintendent will likely be the source of confirming this information. These students are also required to meet the same standards for enrolled students such as attendance, grades, and behavior. They must also meet MHSA rules and it should be expected that the MHSA will be forthcoming with some guidance on this issue. Finally, there is an academic eligibility provision in the bill.

SB157 revises laws related to the ability of a student attending a nonpublic school or home school to participate in extracurricular activities offered by the student's resident school district.

SB157 was signed by the Governor on 4/28 and is effective July 1, 2021.

[SB72](#) Revise school laws related to participation in extracurricular activities, sponsor Senator Regier.

SB72 follows SB157 as that bill will be implemented before the provisions of SB72 can be implemented. If non-public school students participate in public school activities, the public school can claim some fractional ANB based on regulations that will be forthcoming from OPI.

SB72 revises school laws related to participation in extracurricular activities by allowing non-public school students to participate in extracurricular activities and to be included as partial enrollment for ANB calculations.

SB72 was signed by the Governor on 4/22 and will be effective July 1, 2021



## **Taxation Bills**

**SB388** Provide for infrastructure through tax increment financing, sponsor Senator Hertz.

Under SB388 school districts with TIFs and TEDDs in their district boundaries will possibly see school taxes rise to make up for the shortfall created by removing tax base from the formula to fund the TIF. This could be a major shift of taxes from the beneficiaries of the TIF to local property taxpayers.

SB388 is an act that generally revises property tax laws by revising targeted economic development district laws, providing for infrastructure through tax increment financing, providing the tax increment may not include certain state equalization mills for elementary and high school education, and limiting the duration of a future tax increment provision.

As of 5/13 SB388 has not been transmitted to the Governor. If it is and is signed it will be effective upon passage and approval.

## **Broadband Bills**

**HB181** Reauthorizing the e-rate broadband program, sponsor Rep. Zolnikov.

HB181 appropriates \$250,000 a year to be used as matching state funds for installation high speed internet connection to schools. The FCC will match state funds up to a total of 20% of costs and the school district will be responsible for the balance after E-rate discounts. This is the same program that was available under the Bullock administration 4 years ago. It will be administered by the OPI and not the DoC.

HB181 temporarily redirects and statutorily appropriates technology funding to e-rate broadband matching funds.

As of 5/13 the Governor has not signed HB181. If he signs the bill, it will be effective July 1, 2021 and terminates June 30, 2023.

## **Election Bills**

**HB176** Close late voter registration on Friday before the election, sponsor Rep. Greif.

HB176 **will not impact** rural schools, only county offices responsible for voter registration.

HB176 revises late voter registration by closing late voter registration at noon the day before the election and providing an exception so military and overseas electors may continue to register through the day of the election.

HB176 was signed by the Governor on 4/19 and was effective on passage and approval.



**SB15** Revise election laws related to accessibility for disabled electors, sponsor Senator Ellis.

If a school district manages its own elections, SB15 will implement new requirements for providing for greater access for disabled voters.

SB15 revises election laws related to accessibility for disabled electors and the availability of voter interface devices by revising definitions, clarifying provisions on designated agents, revising references to applicable federal laws, revising election cost provisions; revising timelines, applying accessibility provisions to all elections and requiring voter interface devices be available for all elections, providing and revising exceptions, revising accessibility of polling places, revising alternative methods for disabled electors to cast ballots and receive assistance, and revising the penalty provision for deceiving a disabled elector.

SB15 was signed by the Governor on 3/16 but is not effective until January 1, 2022.

## **Special Education Bills**

**HB210** Provide for licensure of speech-language pathology and audiology assistants, sponsor Rep. Funk.

HB210 **will not immediately or significantly impact** rural schools.

HB210 provides for licensure of speech-language pathology and audiology assistants and provides an option for licensing of these assistants that work in public schools if they so choose.

HB210 was signed by the Governor on 3/25 and was effective upon passage and approval BUT will require the board of speech-language pathologists and audiologists to promulgate licensure rules so the impact will be delayed.

## **Vaccine Bills**

**HB334** Revise laws on medical exemption from vaccines, sponsor Rep. Carlson.

HB334 **will not impede practices already in place** where local county health officials assist rural schools with vaccination compliance.

HB334 revises laws related to the medical exemption to student immunization requirements by revising requirements for immunization forms, establishing limitations on examination and use of immunization records.

HB334 was signed by the Governor on 4/28 and will be effective July 1, 2021.