

HOUSE BILL 540

Introduced by Simpkins, et al.

2/01	Introduced
2/01	Referred to Education & Cultural Resources
2/02	First Reading
2/13	Hearing
2/18	Tabled in Committee

1 *House* BILL NO. *540*  
 2 INTRODUCED BY *Samuel Park, Braden Nader, Thomas*  
 3 *Phillips, Frank Knox, Joe T. Lee, William John Nelson*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE *Legis.*  
 5 BOARD OF PUBLIC EDUCATION MAY NOT PROPOSE OR ADOPT, UNDER *Foster*  
 6 THE MONTANA ADMINISTRATIVE PROCEDURE ACT, RULES RELATING TO  
 7 ACCREDITATION STANDARDS AND CERTAIN OTHER MATTERS UNLESS THE  
 8 LEGISLATURE SPECIFICALLY ACTS TO APPROVE AND TO FUND THE  
 9 RULES; AMENDING SECTION 20-2-115, MCA; AND PROVIDING AN  
 10 IMMEDIATE EFFECTIVE DATE."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 20-2-115, MCA, is amended to read:

13 "20-2-115. Rules with substantial financial impact --  
 14 fiscal note -- effect without funding. (1) When developing  
 15 rules, policies, and standards under 20-2-121(6), (7), (9),  
 16 and (11), the board of public education shall, before  
 17 publishing the rules, policies, and standards in the Montana  
 18 Administrative Register and before proposing to adopt them  
 19 as rules under the Montana Administrative Procedure Act,  
 20 determine the financial impact of the rule, policy, or  
 21 standard on school districts.

22 (2) The superintendent of public instruction shall  
 23 prepare a fiscal note for submission to the board, using  
 24 criteria and assumptions developed by the board. The fiscal  
 25

1 note must be prepared within 30 days of a request unless the  
 2 board agrees to a longer time. The board may also accept  
 3 other testimony and exhibits on the financial impact to  
 4 school districts ~~before-proceeding-to-rulemaking.~~

5 (3) If the financial impact of the--proposed a rule,  
 6 policy, or standard that the board wishes to propose for  
 7 future adoption under the Montana Administrative Procedure  
 8 Act is found by the board to be substantial, the board may  
 9 ~~not-implement-the-rule--until--July--i--following--the--next~~  
 10 ~~regular--legislative--session--and~~ shall request the next  
 11 legislature to approve and to fund implementation of through  
 12 the foundation program the proposed rule, policy, or  
 13 standard ~~through--the--foundation--program~~ that the board  
 14 wishes to propose, under the Montana Administrative  
 15 Procedure Act, for future adoption. The board may not  
 16 propose and adopt a rule, policy, or standard required to be  
 17 submitted to the legislature unless the legislature approves  
 18 and funds it. A substantial financial impact is an amount  
 19 that cannot be readily absorbed in the budget of an existing  
 20 school district program.

21 (4) ~~A--proposed--rule, policy, or standard not found by~~  
 22 ~~the board to have a substantial financial impact on school~~  
 23 ~~districts or funded by the legislature may be implemented at~~  
 24 ~~any time."~~

25 NEW SECTION. Section 2. Effective date. [This act] is



LC 1720/01

1 effective on passage and approval.

-End-