

HOUSE BILL 384

Introduced by Simpkins, et al.

1/28	Introduced
1/28	First Reading
1/28	Fiscal Note Requested
1/28	Referred to Education & Cultural Resources
2/01	Fiscal Note Received
2/03	Fiscal Note Printed
2/03	Hearing
2/09	Committee Report--Bill Passed as Amended
2/13	2nd Reading Passed
2/16	3rd Reading Passed
	Transmitted to Senate
2/20	First Reading
2/20	Referred to Education & Cultural Resources
3/05	Hearing
3/15	Tabled in Committee

1 House BILL NO. 384
 2 INTRODUCED BY Simpkins
 3 Anton Beck
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
 5 BOARD OF PUBLIC EDUCATION MAY NOT ADOPT RULES, POLICIES, OR
 6 STANDARDS RELATING TO ACCREDITATION STANDARDS AND CERTAIN
 7 OTHER MATTERS UNLESS THE LEGISLATURE SPECIFICALLY ACTS TO
 8 FUND THE RULES, POLICIES, OR STANDARDS; AMENDING SECTION
 9 20-2-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
 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 adopting the rules, policies, and standards, determine the
 18 financial impact of the rule, policy, or standard on school
 19 districts.

20 (2) The superintendent of public instruction shall
 21 prepare a fiscal note for submission to the board, using
 22 criteria and assumptions developed by the board. The fiscal
 23 note must be prepared within 30 days of a request unless the
 24 board agrees to a longer time. The board may also accept
 25 other testimony and exhibits on the financial impact to

1 school districts before-proceeding-to-rulemaking.

2 (3) If the financial impact of the-proposed a rule,
 3 policy, or standard that the board wishes to adopt is found
 4 by the board to be substantial, the board may-not-implement
 5 the-rule-until-July-1-following-the-next-regular-legislative
 6 session-and shall request the next legislature to fund,
 7 implementation---of through the foundation program, the
 8 proposed rule, policy, or standard through--the--foundation
 9 program that the board wishes to adopt. The board may not
 10 adopt a rule, policy, or standard required to be submitted
 11 to the legislature unless the legislature provides funding
 12 for it. A substantial financial impact is an amount that
 13 cannot be readily absorbed in the budget of an existing
 14 school district program.

15 (4)--A-proposed-rule,-policy,-or-standard-not--found--by
 16 the--board--to-have-a-substantial-financial-impact-on-school
 17 districts-or-funded-by-the-legislature-may-be-implemented-at
 18 any-time"

19 **NEW SECTION. Section 2.** Effective date. [This act] is
 20 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0384, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing that the board of public education may not adopt rules, policies, or standards relating to accreditation standards and certain other matters unless the legislature specifically acts to fund the rules, policies, or standards.

ASSUMPTIONS:

1. That the legislature would review all board policies that would substantially impact school finances.
2. That the impact could be either an increase or a decrease.
3. That the impact would be dependent upon the specific rule and the approval of the legislature.

FISCAL IMPACT:

No current impact on the foundation program funding, the equalization account, or Guaranteed Tax Base funding.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

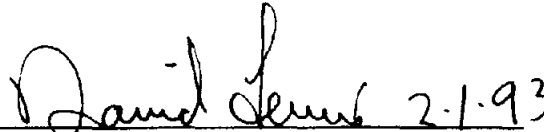
This would require the state to fund board rules that would have substantial impact, thereby preventing the impact from being placed on local revenues.


LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

District financial practices and priorities would be accepted as they exist, and the Board of Public Education would be unable to adopt new rules or standards which result in a net increase in expenditure unless the legislature funded it through the state foundation program.

TECHNICAL NOTES:

In light of a recent decision by Judge Sherlock, there may be questions about the constitutionality of this proposed legislation.


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


DICK SIMPKINS, PRIMARY SPONSOR DATE
Fiscal Note for HB0384, as introduced

HB 384

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 384

INTRODUCED BY SIMPKINS, KASTEN, PECK

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE BOARD OF PUBLIC EDUCATION MAY NOT ADOPT RULES, POLICIES, OR STANDARDS RELATING TO ACCREDITATION STANDARDS AND CERTAIN OTHER MATTERS UNLESS THE LEGISLATURE SPECIFICALLY ACTS TO FUND THE RULES, POLICIES, OR STANDARDS; PROVIDING THAT A SCHOOL DISTRICT MAY NOT HAVE STATE FUNDS WITHHELD BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IF THE BOARD OR THE SUPERINTENDENT FAILS TO COMPLY WITH STATUTORY REQUIREMENTS OR IF A BOARD RULE, POLICY, OR STANDARD HAVING SUBSTANTIAL FINANCIAL IMPACT ON A SCHOOL DISTRICT IS NOT FUNDED BY THE LEGISLATURE; AMENDING SECTION 20-2-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"20-2-115. Rules with substantial financial impact -- fiscal note -- effect without funding. (1) When developing rules, policies, and standards under 20-2-121(6), (7), (9), and (11), the board of public education shall, before adopting the rules, policies, and standards, determine the financial impact of the rule, policy, or standard on school districts.

(2) The superintendent of public instruction shall prepare a fiscal note for submission to the board, using criteria and assumptions developed by the board. The fiscal note must be prepared within 30 days of a request unless the board agrees to a longer time. The board may also accept other testimony and exhibits on the financial impact to school districts ~~before-proceeding-to-rulemaking.~~

(3) If the financial impact of ~~the-proposed~~ a rule, policy, or standard ~~that the board wishes to adopt~~ is found by the board to be substantial, the board ~~may-not-implement the-rule-until-July-1-following-the-next-regular-legislative session-and~~ shall request the next legislature to fund, ~~implementation---of~~ through the foundation program, the ~~proposed~~ rule, policy, or standard ~~through--the--foundation program~~ that the board wishes to adopt. The board may not adopt a rule, policy, or standard required to be submitted to the legislature unless the legislature provides funding for it. A substantial financial impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

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

(4) A SCHOOL DISTRICT MAY NOT HAVE STATE FUNDS WITHHELD

1 BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IF THE BOARD OF
2 PUBLIC EDUCATION OR THE SUPERINTENDENT FAILS TO COMPLY WITH
3 THE PROVISIONS OF THIS SECTION OR IF A BOARD RULE, POLICY,
4 OR STANDARD HAVING SUBSTANTIAL FINANCIAL IMPACT ON A SCHOOL
5 DISTRICT IS NOT FUNDED BY THE LEGISLATURE."

6 NEW SECTION. **Section 2.** effective date. [This act] is
7 effective on passage and approval.

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