

1 HOUSE BILL NO. 79

2 INTRODUCED BY SIMPKINS

3

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

12

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

14

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

16 "20-2-115. **Rules with substantial financial impact -- fiscal note -- effect without funding.** (1) When
 17 developing rules, policies, and standards under 20-2-121(6), (7), (9), and (11), the board of public
 18 education shall, before adopting the rules, policies, and standards, determine the financial impact of the
 19 rule, policy, or standard on school districts.

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

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

INTRODUCED BILL

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

3 (4) A school district may not have state funding withheld by the superintendent of public
4 instruction if the board of public education or the superintendent fails to comply with the provisions of this
5 section or if a board rule, policy, or standard having a substantial financial impact on a school district is not
6 funded by the legislature."

7

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

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