
68th Legislature 2023 HB 863.1

1	HOUSE BILL NO. 863		
2	INTRODUCED BY M. ROMANO, J. COHENOUR, D. HAWK, M. MARLER, E. STAFMAN, J. LYNCH, D.		
3	HARVEY, J. KARLEN, B. CARTER, Z. ZEPHYR, L. SMITH, D. BAUM, E. MATTHEWS		
4			
5	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO SCHOOL MEALS;		
6	ESTABLISHING A STATE PROGRAM ADMINISTERED BY THE SUPERINTENDENT OF PUBLIC		
7	INSTRUCTION TO ELIMINATE COSTS TO STUDENTS FOR SCHOOL MEALS; PROVIDING RULEMAKIN		
8	AUTHORITY; PROVIDING DEFINITIONS; PROVIDING AN APPROPRIATION; AND PROVIDING AN		
9	EFFECTIVE DATE."		
10			
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
12			
13	NEW SECTION. Section 1. State funding to eliminate student costs for school lunch and		
14	breakfast legislative intent rulemaking. (1) The legislature recognizes that proper nutrition is a		
15	foundational requirement for learning and intends:		
16	(a) to strengthen the opportunity of each child to develop the child's full educational potential in		
17	accordance with the goal of the people articulated in Article X, section 1(1), of the Montana constitution; and		
18	(b) that the program under this section be implemented in a manner that maximizes the amount of		
19	federal school meals support received by school districts.		
20	(2) The superintendent of public instruction shall administer a program to distribute replacement		
21	funds to school districts electing to provide school breakfast or lunch, or both, to all students at no cost to the		
22	student. The superintendent shall adopt rules necessary to administer the program.		
23	(3) A participating school district shall maximize access to federal funds for the cost of the school		
24	breakfast and lunch program by participating in any federal provision that, in the opinion of the superintendent		
25	of public instruction, draws down the most possible federal funding for meals served in that program.		
26	(4) For the purposes of this section, the following definitions apply:		
27	(a) "Participating school district" means a school district whose board of trustees elects to		
28	participate in the program.		



68th Legislature 2023 HB 863.1

1	(b)	"Program" means the program administered by the superintendent of public instruction under	
2	this section.		
3	(c)	"Replacement funds" means the difference between the federal reimbursement for a student	
4	for a school meal and the full cost of that meal under a national or federal program.		
5			
6	NEW :	SECTION. Section 2. Appropriation. (1) There is appropriated \$22 million from the state	
7	general fund to the office of public instruction for each fiscal year of the biennium beginning July 1, 2023, for the		
8	purposes described in [section 1].		
9	(2)	The legislature intends that the appropriation in subsection (1) be considered part of the	
10	ongoing base for the next legislative session.		
11			
12	NEW :	SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an	
13	integral part of	Title 20, chapter 10, part 2, and the provisions of Title 20, chapter 10, part 2, apply to [section 1	
14			
15	NEW :	SECTION. Section 4. Effective date. [This act] is effective July 1, 2023.	
16		- END -	

