

SENATE BILL NO. 302

INTRODUCED BY E. ARNTZEN

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCESS FOR THE BOARD OF PUBLIC
5 EDUCATION TO PRESENT PROPOSED ADMINISTRATIVE RULES TO A LEGISLATIVE COMMITTEE;
6 CLARIFYING THE PROCESS FOR CONDUCTING AN ANALYSIS OF THE FISCAL IMPACT OF THE
7 PROPOSED ADMINISTRATIVE RULES; REQUIRING ADMINISTRATIVE RULES PROPOSED DURING THE
8 INTERIM WITH A PROJECTED FISCAL IMPACT TO BE INCLUDED IN THE OFFICE OF PUBLIC
9 INSTRUCTION'S EXECUTIVE BUDGET; PROVIDING FOR A DELAYED IMPLEMENTATION DATE FOR THE
10 BOARD OF PUBLIC EDUCATION'S PROPOSED RULES EXCEPT FOR PROPOSED RULES WITH NO
11 PROJECTED FISCAL IMPACT; REQUIRING THE BOARD TO PRESENT ADMINISTRATIVE RULES
12 PROPOSED DURING A REGULAR LEGISLATIVE SESSION DIRECTLY TO THE JOINT APPROPRIATIONS
13 SUBCOMMITTEE THAT CONSIDERS EDUCATION; AND AMENDING SECTION 20-7-101, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **Section 1.** Section 20-7-101, MCA, is amended to read:

18 **"20-7-101. Standards of accreditation.** (1) Standards of accreditation for all schools must be adopted
19 by the board of public education upon the recommendations of the superintendent of public instruction.

20 (2) (a) Prior to adoption or amendment of any accreditation standard or other administrative rule under
21 its authority, the board shall submit each proposal to the education and local government interim committee for
22 review during periods when the legislature is not in regular session or to the joint appropriations subcommittee
23 that considers education during any regular session of the legislature.

24 (b) (i) The During periods when the legislature is not in regular session, the interim committee shall
25 request a fiscal analysis to be prepared by the legislative fiscal division perform an initial review of the board's
26 proposal to determine whether the proposed rule adoption or amendment is likely to result in a projected fiscal
27 impact that warrants a fiscal analysis.

28 (ii) If the interim committee determines that the board's proposal warrants a fiscal analysis, the board shall
29 select and contract with an independent entity qualified to perform the analysis. The fiscal analysis must comply
30 with the statutory requirements for fiscal note contents provided in 5-4-205. The board shall submit the fiscal

1 analysis to the legislative fiscal division for review and comment.

2 (iii) The board shall present the fiscal analysis and the legislative fiscal division shall provide its analysis
3 review and comment to the interim committee and to the office of budget and program planning to be used in the
4 preparation of the executive budget. Any projected fiscal impact identified by the fiscal analysis must be included
5 as a present law adjustment in the office of public instruction's budget request pursuant to 17-7-112 for
6 presentation to the legislature in the next regular session after completion of the fiscal analysis.

7 (c) During periods when the legislature is in regular session, the board shall present its proposal to the
8 joint appropriations subcommittee that considers education to assess the potential fiscal impact of the board's
9 proposal and determine the extent to which the projected implementation costs associated with the proposal will
10 be recommended for incorporation into the general appropriations act.

11 (3) (a) If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial
12 fiscal impact, the board may not implement the standard a proposed rule adoption or amendment to the
13 accreditation standards or other administrative rule under its authority that is found to have a fiscal impact under
14 subsection (2)(b) until July 1 following the next regular end of the legislative session and shall request that the
15 same legislature fund implementation of the proposed standard. A substantial fiscal impact is an amount that
16 cannot be readily absorbed in the budget of an existing school district program: during which the fiscal impact
17 is considered by the legislature pursuant to subsection (2)(b).

18 (b) If a proposed rule adoption or amendment is determined by the interim committee to not warrant a
19 fiscal analysis or is found to have no fiscal impact under subsection (2)(b), the board may implement the proposal
20 immediately following the review of the proposal by the interim committee if the legislature is not in regular
21 session or by the joint appropriations subcommittee that considers education if the legislature is in regular
22 session.

23 (c) The board may not implement a proposed rule adoption or amendment that the board presents
24 directly to the joint appropriations subcommittee that considers education under subsection (2)(c) until July 1
25 following the end of the regular legislative session during which the fiscal impact is considered.

26 (4) Standards for the retention of school records must be as provided in 20-1-212."

27 - END -