

HOUSE BILL NO. 265

INTRODUCED BY M. DUNWELL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SCHOOL SUICIDE PREVENTION COMPETITIVE
5 GRANT PROGRAM; REQUIRING GRANTEE SCHOOL DISTRICTS TO ADOPT AND IMPLEMENT A SUICIDE
6 PREVENTION PLAN; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DEVELOP A
7 MODEL SUICIDE PREVENTION PLAN; REQUIRING GRANTEE SCHOOL DISTRICTS TO PROVIDE
8 UNIVERSAL SCREENERS OR ANNUAL MENTAL HEALTH SCREENINGS OR BOTH; REQUIRING GRANTEE
9 SCHOOL DISTRICTS TO NOTIFY PARENTS OF THE MENTAL HEALTH SCREENING AND ALLOWING
10 PARENTS TO OPT A STUDENT OUT OF THE MENTAL HEALTH SCREENING THROUGH PASSIVE
11 CONSENT; INCREASING THE RENTAL VEHICLE SALES AND USE TAXES; PROVIDING A STATUTORY
12 APPROPRIATION; AMENDING SECTIONS 15-68-102, 15-68-820, AND 17-7-502, MCA; AND PROVIDING AN
13 EFFECTIVE DATE AND AN APPLICABILITY DATE."

14

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

16

17 NEW SECTION. **Section 1. School suicide prevention competitive grant program.** (1) There is a
18 school suicide prevention competitive grant program. The purpose of the program is to provide grants to school
19 districts who need assistance to develop a school- and district-wide system of support for students.

20 (2) The office of public instruction shall administer the grant program. Grantee schools must use the
21 grant funds to develop and implement suicide prevention programs in accordance with [sections 2 and 3].

22

23 NEW SECTION. **Section 2. Suicide prevention plan -- required elements.** (1) A school district that
24 is awarded a grant pursuant to [section 1] shall adopt and implement a suicide prevention plan. The suicide
25 prevention plan must include, at a minimum, a mental health crisis response protocol, a resiliency curriculum, and
26 a suicide prevention curriculum.

27 (2) The mental health crisis response protocol must:

28 (a) identify a suicide risk response coordinator at each school in the district;

29 (b) identify mental health service providers within the community or nearest to the community to whom
30 a student may be referred;

- 1 (c) ensure that all staff members understand and are familiar with the protocol;
- 2 (d) include a policy to maintain confidentiality and protect student privacy by complying with applicable
3 state and federal laws;
- 4 (e) contain a process to facilitate a student's return to school after a suicide attempt or related behavioral
5 health issues and provide a process for continued follow-up and support for the student;
- 6 (f) specify a procedure for deciding when to implement the protocol and what aspects of the protocol to
7 implement based on the nature of the event; and
- 8 (g) identify the district's long-term response to a suicide.
- 9 (3) The resiliency curriculum must meet the following requirements:
- 10 (a) The curriculum must:
- 11 (i) be identified as an evidence-based program;
- 12 (ii) be tailored to provide developmentally appropriate information and materials to students in grades 1-5;
- 13 (iii) use best practices, culturally based promising practices, or both, in teaching positive interpersonal,
14 cross-cultural, and resiliency skills;
- 15 (iv) promote positive attitudes and resiliency;
- 16 (v) encourage students to seek help for themselves and for their peers; and
- 17 (vi) be presented to students in grades 1-5 annually.
- 18 (b) The curriculum must contain the following content:
- 19 (i) how to improve self-regulation;
- 20 (ii) how to improve self-control;
- 21 (iii) self-management techniques; and
- 22 (iv) how to collaborate with others.
- 23 (4) The suicide prevention curriculum must meet the following requirements:
- 24 (a) The curriculum must:
- 25 (i) be identified as an evidence-based program;
- 26 (ii) be tailored to provide developmentally appropriate information and materials to students in grades
27 6-12;
- 28 (iii) use best practices, culturally based promising practices, or both, in teaching suicide prevention;
- 29 (iv) provide information about suicide prevention;
- 30 (v) increase a student's ability to recognize if the student or the student's peers are at risk for suicide;

- 1 (vi) encourage students to seek help for themselves and for their peers; and
2 (vii) be presented to students in grades 6-12 annually.
- 3 (b) The curriculum must contain the following content:
- 4 (i) basic information about depression and suicide;
5 (ii) warning signs that indicate a student may be at risk of suicide;
6 (iii) underlying factors that place a student at higher risk of suicide;
7 (iv) appropriate responses to someone who is depressed or suicidal; and
8 (v) help-seeking skills and resources, including the location and contact information for resources located
9 at the school and within the community.

10 (5) By December 31, 2017, the superintendent of public instruction shall develop a model suicide
11 prevention plan in compliance with this section and make the model plan available for districts to use as a
12 resource. The model plan must be reviewed annually and updated to reflect current best practices to prevent
13 suicide and promote resiliency. The model plan must be developed and maintained in coordination with the state
14 suicide prevention coordinator at the department of public health and human services.

15
16 **NEW SECTION. Section 3. Universal screener -- mental health screening -- opt-out provision. (1)**
17 A school district must provide a universal screener tool to the certified school staff in the district, an annual mental
18 health screening to each student ages 12 and older, or both.

- 19 (2) A universal screener tool must:
- 20 (a) be designed to be completed by the certified school staff in the district;
21 (b) be an evidence-based screener tool;
22 (c) identify students who are at risk for internalizing or externalizing problems;
23 (d) apply uniform standards to determine risk; and
24 (e) enable certified school staff and other district staff to implement early interventions and supports.
- 25 (3) (a) The mental health screening may be offered in the form of a written survey provided to students
26 as part of a regular health education class.

27 (b) At least two weeks prior to the date of the mental health screening, the school district shall provide
28 the parent or guardian of each student with written notice of the mental health screening, either by mail or by
29 e-mail. The notice must inform the parent or guardian:

- 30 (i) that the parent or guardian may decline to have the student participate in the mental health screening;

1 and

2 (ii) that the student will participate in the mental health screening unless the parent or guardian notifies
3 the school district that the parent or guardian does not consent to the screening of the student.

4 (c) The school district shall include a policy for administering the annual mental health screenings as part
5 of the suicide prevention plan required under [section 2]. The policy must describe who administers the survey,
6 who has access to the results of the survey, and how privacy requirements are satisfied.

7
8 **NEW SECTION. Section 4. School suicide prevention grant program account.** (1) There is a school
9 suicide prevention grant program account in the state special revenue fund. The purpose of the account is to fund
10 the school suicide prevention competitive grant program provided for in [sections 1 through 3].

11 (2) The school suicide prevention grant program account consists of money transferred into the account
12 pursuant to 15-68-820(3).

13 (3) The money in the account is statutorily appropriated, as provided in 17-7-502, to the office of public
14 instruction for the purpose specified in subsection (1).

15 (4) The account is administered by the office of public instruction. The office of public instruction may
16 use up to 5% of the funds transferred into the account in each fiscal year for costs related to administering the
17 school suicide prevention competitive grant program.

18
19 **Section 5.** Section 15-68-102, MCA, is amended to read:

20 **"15-68-102. Imposition and rate of sales tax and use tax -- exceptions.** (1) A sales tax of the
21 following percentages is imposed on sales of the following property or services:

22 (a) 3% on accommodations and campgrounds;

23 (b) ~~4%~~ 5% on the base rental charge for rental vehicles.

24 (2) The sales tax is imposed on the purchaser and must be collected by the seller and paid to the
25 department by the seller. The seller holds all sales taxes collected in trust for the state. The sales tax must be
26 applied to the sales price.

27 (3) (a) For the privilege of using property or services within this state, there is imposed on the person
28 using the following property or services a use tax equal to the following percentages of the value of the property
29 or services:

30 (i) 3% on accommodations and campgrounds;

1 (ii) ~~4%~~ 5% on the base rental charge for rental vehicles.

2 (b) The use tax is imposed on property or services that were:

3 (i) acquired outside this state as the result of a transaction that would have been subject to the sales tax
4 had it occurred within this state;

5 (ii) acquired within the exterior boundaries of an Indian reservation within this state as a result of a
6 transaction that would have been subject to the sales tax had it occurred outside the exterior boundaries of an
7 Indian reservation within this state;

8 (iii) acquired as the result of a transaction that was not initially subject to the sales tax imposed by
9 subsection (1) or the use tax imposed by subsection (3)(a) but which transaction, because of the buyer's
10 subsequent use of the property, is subject to the sales tax or use tax; or

11 (iv) rendered as the result of a transaction that was not initially subject to the sales tax or use tax but that
12 because of the buyer's subsequent use of the services is subject to the sales tax or use tax.

13 (4) For purposes of this section, the value of property must be determined as of the time of acquisition,
14 introduction into this state, or conversion to use, whichever is latest.

15 (5) The sale of property or services exempt or nontaxable under this chapter is exempt from the tax
16 imposed in subsections (1) and (3).

17 ~~(6) Lodging facilities and campgrounds are exempt from the tax imposed in subsections (1)(a) and~~
18 ~~(3)(a)(i) until October 1, 2003, for contracts entered into prior to April 30, 2003, that provide for a guaranteed~~
19 ~~charge for accommodations or campgrounds."~~

20

21 **Section 6.** Section 15-68-820, MCA, is amended to read:

22 **"15-68-820. Sales tax and use tax proceeds.** (1) Except as provided in ~~subsection (2)~~ subsections (2)
23 and (3), all money collected under this chapter must, in accordance with the provisions of 17-2-124, be deposited
24 by the department into the general fund.

25 (2) ~~Twenty-five~~ Twenty percent of the revenue collected on the base rental charge for rental vehicles
26 under 15-68-102(1)(b) and 15-68-102(3)(a)(ii) must be deposited in the state special revenue fund to the credit
27 of the senior citizen and persons with disabilities transportation services account provided for in 7-14-112.

28 (3) Twenty percent of the revenue collected on the base rental charge for rental vehicles under
29 15-68-102(1)(b) and 15-68-102(3)(a)(ii) must be deposited in the school suicide prevention grant program state
30 special revenue account established in [section 4]."

1
2 **Section 7.** Section 17-7-502, MCA, is amended to read:
3 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
4 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
5 need for a biennial legislative appropriation or budget amendment.

6 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
7 of the following provisions:

8 (a) The law containing the statutory authority must be listed in subsection (3).

9 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
10 appropriation is made as provided in this section.

11 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
12 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;
13 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101;
14 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215;
15 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
16 19-20-604; 19-20-607; 19-21-203; [section 4]; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905;
17 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612;
18 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101;
19 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415;
20 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222;
21 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603;
22 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

23 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
24 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
25 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
26 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
27 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
28 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
29 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
30 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and

1 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
2 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
3 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion
4 of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004
5 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30,
6 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017;
7 pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency;
8 pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch.
9 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.
10 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,
11 the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of
12 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of
13 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
14 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates
15 September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December
16 31, 2023.)"

17
18 **NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 4] are intended to be codified
19 as an integral part of Title 20, chapter 5, part 4, and the provisions of Title 20, chapter 5, part 4, apply to [sections
20 1 through 4].

21
22 **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 2017.

23
24 **NEW SECTION. Section 10. Applicability.** [This act] applies to rental car sales and use taxes levied
25 after June 30, 2017.

26 - END -