

## 1 HOUSE BILL NO. 671

2 INTRODUCED BY D. BEDEY, L. JONES

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL 2;  
 5 PROVIDING FOR INTERIM STUDIES ON EDUCATIONAL FISCAL MATTERS; REQUIRING THE OFFICE OF  
 6 PUBLIC INSTRUCTION AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO  
 7 COLLABORATE IN SUPPORTING SCHOOL DISTRICTS IN SEEKING REIMBURSEMENT FOR SCHOOL-  
 8 BASED ELIGIBLE SERVICES UNDER MEDICAID AND THE CHILDREN'S HEALTH INSURANCE  
 9 PROGRAM; REVISING LAWS RELATED TO PRESERVING MONTANA INDIAN LANGUAGES; REVISING  
 10 THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM; ELIMINATING THE TERMINATIONS OF  
 11 THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM AND THE CULTURAL INTEGRITY  
 12 COMMITMENT ACT; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-9-537, MCA;  
 13 REPEALING SECTION 7, CHAPTER 410, LAWS OF 2013, SECTIONS 3 AND 7, CHAPTER 426, LAWS OF  
 14 2015, SECTION 10, CHAPTER 442, LAWS OF 2015, SECTIONS 2, 3, 4, AND 9, CHAPTER 232, LAWS OF  
 15 2017, SECTIONS 1 THROUGH 7, CHAPTER 77, LAWS OF 2019, AND SECTION 1, CHAPTER 171, LAWS  
 16 OF 2019; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE."

17

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

19

20 NEW SECTION. **Section 1. Legislative finance committee study of fiscal issues regarding**  
 21 **education -- reports to education interim committee.** (1) For the 2021-2022 interim, the legislative finance  
 22 committee provided for in 5-12-201 shall direct a study of the following topics related to education:

23 (a) Indian language preservation; ~~and~~24 (b) the Montana digital academy; AND25 (C) FUNDING FOR K-12 ENROLLMENT INCREASES.

26 (2) (a) The legislative finance committee shall establish an education funding subcommittee to  
 27 complete its work in accordance with this section.

28 (b) The presiding officer of the legislative finance committee, in consultation with the presiding officer

1 of the joint appropriations subcommittee on education, shall appoint the members of the education funding  
 2 subcommittee with equal representation from the majority and minority parties and is encouraged to include  
 3 members of the joint appropriations subcommittee on education and the education interim committee.

4 (3) The results of the study must be presented in accordance with 5-11-210 to the legislative finance  
 5 committee and the education interim committee before September 1, 2022.

6 (4) The legislative fiscal division shall provide administrative staff support and fiscal analysis. The  
 7 legislative services division may provide research and legal support at the request of the education funding  
 8 subcommittee.

9

10 **NEW SECTION. SECTION 2. FUNDING FOR SCHOOL-BASED MEDICAL SERVICES -- DUTIES OF OFFICE OF**  
 11 **PUBLIC INSTRUCTION AND DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES -- SCHOOL-BASED SERVICES**

12 **ACCOUNT. (1) THE LEGISLATURE INTENDS THAT THE OFFICE OF PUBLIC INSTRUCTION AND DEPARTMENT OF PUBLIC**  
 13 **HEALTH AND HUMAN SERVICES COLLABORATE TO FACILITATE SCHOOL DISTRICTS IN SECURING FEDERAL**  
 14 **REIMBURSEMENTS WHEN A DISTRICT PROVIDES SERVICES ELIGIBLE FOR REIMBURSEMENT UNDER MEDICAID OR THE**  
 15 **CHILDREN'S HEALTH INSURANCE PROGRAM. THE LEGISLATURE FURTHER INTENDS THAT THIS COLLABORATION MINIMIZES**  
 16 **TO THE GREATEST EXTENT POSSIBLE THE ADMINISTRATIVE BURDEN ON SCHOOL DISTRICTS.**

17 **(2) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL PROVIDE NECESSARY FACILITATION**  
 18 **AND TECHNICAL SUPPORT TO THE OFFICE OF PUBLIC INSTRUCTION REGARDING SCHOOL-BASED MENTAL HEALTH**  
 19 **SERVICES AND OTHER SCHOOL-BASED SERVICES THAT MAY BE ELIGIBLE FOR REIMBURSEMENT UNDER MEDICAID OR THE**  
 20 **CHILDREN'S HEALTH INSURANCE PROGRAM. THE TECHNICAL SUPPORT MUST INCLUDE:**

21 **(A) TRAINING TO EXPLAIN THE REQUIREMENTS TO BE ELIGIBLE FOR REIMBURSEMENT UNDER MEDICAID OR THE**  
 22 **CHILDREN'S HEALTH INSURANCE PROGRAM;**

23 **(B) THE ESTABLISHMENT OF PROVIDER RATES FOR RELEVANT SERVICES THAT WILL PERMIT SUCCESSFUL**  
 24 **SERVICE DELIVERY WHILE ADHERING TO THE STANDARDS OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES;**

25 **(C) COORDINATION WITH THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO ENSURE FEDERAL**  
 26 **REIMBURSEMENT FOR ELIGIBLE SERVICES; AND**

27 **(D) ANY OTHER FACILITATION OR SUPPORT REQUIRED IN ORDER TO OFFER SUCCESSFUL DELIVERY OF**  
 28 **SCHOOL-BASED MENTAL HEALTH SERVICES AND OTHER SCHOOL-BASED SERVICES THAT MAY BE ELIGIBLE FOR**

1 REIMBURSEMENT UNDER MEDICAID OR THE CHILDREN'S HEALTH INSURANCE PROGRAM WHILE ADHERING TO THE  
 2 STANDARDS OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES.

3 (3) THE OFFICE OF PUBLIC INSTRUCTION SHALL PROVIDE NECESSARY FACILITATION AND TECHNICAL SUPPORT  
 4 TO SCHOOL DISTRICTS TO SECURE REIMBURSEMENT UNDER MEDICAID OR THE CHILDREN'S HEALTH INSURANCE  
 5 PROGRAM FOR SCHOOL-BASED SERVICES, INCLUDING BUT NOT LIMITED TO SCHOOL MENTAL HEALTH SERVICES. THE  
 6 TECHNICAL SUPPORT MUST INCLUDE:

7 (A) TRAINING TO EXPLAIN THE REQUIREMENTS TO BE ELIGIBLE FOR REIMBURSEMENT UNDER MEDICAID OR THE  
 8 CHILDREN'S HEALTH INSURANCE PROGRAM;

9 (B) ACCOUNTING GUIDANCE AND NECESSARY SUPPORT TO ENABLE DISTRICTS TO TRACK THE COSTS  
 10 ASSOCIATED WITH SERVICES ELIGIBLE FOR REIMBURSEMENT UNDER MEDICAID OR THE CHILDREN'S HEALTH INSURANCE  
 11 PROGRAM, INCLUDING ANY DOCUMENTATION REQUIRED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES  
 12 FOR AUDIT PURPOSES; AND

13 (C) COLLABORATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IN COMMUNICATING  
 14 WITH SCHOOL DISTRICTS.

15 (4) THERE IS SCHOOL-BASED SERVICES ACCOUNT IN THE STATE SPECIAL REVENUE FUND PROVIDED FOR IN  
 16 17-2-102. THE ACCOUNT MAY BE USED BY THE OFFICE OF PUBLIC INSTRUCTION IN COORDINATION WITH THE  
 17 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO:

18 (A) RECEIVE NECESSARY MATCHING FUNDS FROM SCHOOL DISTRICTS SEEKING REIMBURSEMENT UNDER  
 19 MEDICAID OR THE CHILDREN'S HEALTH INSURANCE PROGRAM FOR SCHOOL-BASED SERVICES; AND

20 (B) FULFILL FINANCIAL REQUIREMENTS OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR  
 21 REIMBURSEMENT.

22

23 **Section 3.** Section 20-9-537, MCA, is amended to read:

24 **"20-9-537. (Temporary) Montana Indian language preservation program.** (1) There is a Montana  
 25 Indian language preservation program. The program is established to support efforts of Montana tribes to  
 26 preserve and perpetuate Indian languages in the form of spoken, written, sung, or signed language and to  
 27 assist in the preservation and curricular goals of Indian education for all pursuant to Article X, section 1(2), of  
 28 the Montana constitution and Title 20, chapter 1, part 5.

1           (2) (a) The ~~state-tribal economic development commission established in 90-1-131~~ office of public  
2 instruction shall administer the program and, in collaboration with the Montana historical society, the state  
3 director of Indian affairs, and each tribal government located on the seven Montana reservations and the Little  
4 Shell Chippewa tribe, shall create program guidelines.

5           (b) The program guidelines must address performance and output standards, distribution of funds,  
6 accounting of funds, and use of funds.

7           (c) The performance and output standards must include:

8           (i) development of audio and visual recordings;

9           (ii) creation of reference materials, which may be in audio, visual, electronic, or written format;

10          (iii) creation and publication of curricula, which may include electronic curricula; and

11          (iv) administration and maintenance of a long-term language preservation strategic plan.

12          (d) The performance and output standards may include:

13          (i) language classes;

14          (ii) language immersion camps;

15          (iii) storytelling;

16          (iv) publication of literature; and

17          (v) language programs, workshops, seminars, camps, and other presentations in formal or informal  
18 settings.

19          (3) Any tangible goods produced under this section must be submitted within 1 year of production to  
20 the Montana historical society for the benefit of related language preservation efforts and for preservation and  
21 archival purposes.

22          (4) Tribal governments or their designees receiving program funds may form local program advisory  
23 boards. Members of a local program advisory board may include but are not limited to representatives from any  
24 of the entities listed in subsection (6).

25          (5) (a) Each tribal government or designee shall provide reports on expenditures of grant funds,  
26 overall program progress, and other criteria required under the guidelines established pursuant to subsection  
27 (2)(a) to the ~~state-tribal economic development commission~~ office of public instruction.

28          (b) The ~~state-tribal economic development commission~~ office of public instruction shall report any

1 findings, comments, or recommendations regarding each local program and the Montana Indian language  
2 preservation program to the legislature as provided in 5-11-210.

3 (6) Tribal governments and their designees are encouraged to maximize the impact of grant funds by  
4 forming partnerships among state and tribal entities and leveraging existing resources for the preservation of  
5 Indian languages and the education of all Montanans in a way that honors the cultural integrity of American  
6 Indians. Suggested partner entities include but are not limited to:

7 (a) the governor's office of Indian affairs;

8 (b) school districts located on reservations;

9 (c) tribal colleges;

10 (d) tribal historic preservation offices;

11 (e) tribal language and cultural programs;

12 (f) units of the Montana university system;

13 (g) the Montana historical society;

14 (h) ~~the office of public instruction~~ the state-tribal economic development commission;

15 (i) Montana public television organizations;

16 (j) school districts not located on reservations; and

17 (k) the Montana state library.

18 (7) State entities that operate film and video studios and equipment shall cooperate with each local  
19 tribal preservation program in the production of materials for preservation and archival purposes.

20 (8) Any cultural and intellectual property rights from program efforts belong to the tribe. Use of the  
21 cultural and intellectual property may be negotiated between the tribe and other partnering entities.

22 (9) A tribe may use payments received pursuant to this section as matching funds for federal or  
23 private fund sources to accomplish the purposes of this section. (~~Terminates June 30, 2023 -- secs. 1 through 7,~~  
24 ~~Ch. 77, L. 2019.~~)"

25  
26 **NEW SECTION. Section 4. Repealer.** Section 7, Chapter 410, Laws of 2013, sections 3 and 7,  
27 Chapter 426, Laws of 2015, section 10, Chapter 442, Laws of 2015, sections 2, 3, 4, and 9, Chapter 232, Laws  
28 of 2017, sections 1 through 7, Chapter 77, Laws of 2019, and section 1, Chapter 171, Laws of 2019, are

1 repealed.

2

3 NEW SECTION. Section 5. Appropriation. There is appropriated \$5,000 from the general fund to  
4 the legislative fiscal division for the biennium beginning July 1, 2021, for the purposes of conducting the study  
5 as set forth in [section 1].

6

7 NEW SECTION. SECTION 6. CODIFICATION INSTRUCTION. [SECTION 2] IS INTENDED TO BE CODIFIED AS AN  
8 INTEGRAL PART OF TITLE 20, CHAPTER 9, PART 2, AND THE PROVISIONS OF TITLE 20, CHAPTER 9, PART 2, APPLY TO  
9 [SECTION 2].

10

11 NEW SECTION. Section 7. Contingent voidness. If House Bill No. 497 is passed and approved,  
12 then [sections 1 and 4 5] are void.

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14 NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2021.

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