

1 HOUSE BILL NO. 946

2 INTRODUCED BY D. BEDEY, L. JONES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2;  
5 PROVIDING FOR REPORTS TO THE EDUCATION INTERIM BUDGET COMMITTEE FROM THE MONTANA  
6 STATE LIBRARY, THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION, AND THE OFFICE OF  
7 PUBLIC INSTRUCTION; REVISING EDUCATION LAWS RELATED TO EARLY EDUCATION AND  
8 KINDERGARTEN; ESTABLISHING UNDER WHAT EXCEPTIONAL CIRCUMSTANCES A SCHOOL  
9 DISTRICT MAY ADMIT STUDENTS OUTSIDE REGULAR AGE PARAMETERS; CLARIFYING THAT  
10 KINDERGARTEN IS A SINGLE-YEAR PROGRAM; PROVIDING THAT THE EDUCATION INTERIM BUDGET  
11 COMMITTEE DIRECT A STUDY RELATED TO SERVICES PROVIDED BY THE DEPARTMENT OF  
12 ADMINISTRATION; PROVIDING DEFINITIONS; AMENDING SECTIONS 20-5-101 AND 20-7-117, MCA; AND  
13 PROVIDING AN 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. Montana state library report to education interim budget committee.**

18 (1) The Montana state library shall report on its hot spot program activities to the education interim budget  
19 committee provided for in 5-12-501 by September 1, 2023.

20 (2) The Montana state library shall report on the following items to the education interim budget  
21 committee provided for in 5-12-501 by September 1, 2024:

- 22 (a) library deployment locations;
- 23 (b) the comparison of rural and urban deployment locations;
- 24 (c) hot spot usage measured by gigabytes for each device and by library; and
- 25 (d) verification that ~~there was no~~ ANY commercial activity usage of the hot spots ~~in compliance with~~

26 ~~Title 22, chapter 1, part 14.~~ IS CONSISTENT WITH LIBRARY POLICY.

27 (3) These reports must be provided in a digital and printed format to the committee.

1           **(b)** "Preschool program" means a half-time or full-time program to prepare children for entry into  
2 kindergarten and governed by the standards adopted by the board of public education."

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4           NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2023.

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6           COORDINATION SECTION. Section 8. Coordination instruction. If House Bill No. 352 is passed  
7 and approved, then [sections 5 and 6] are void.

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9           COORDINATION SECTION. Section 9. Coordination instruction. If House Bill No. 212, House Bill  
10 No. 587, and [this act] are all passed and approved, then the sections of House Bill No. 212 and House Bill No.  
11 587 amending 20-9-366 are void, and 20-9-366 must be amended as follows:

12           **"20-9-366. Definitions.** As Subject to adjustments pursuant to [section 1 of House Bill No. 587], as  
13 used in 20-9-366 through 20-9-371, the following definitions apply:

14           (1) "County retirement mill value per elementary ANB" or "county retirement mill value per high  
15 school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by  
16 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB  
17 count used to calculate the elementary school districts' and high school districts' prior year total per-ANB  
18 entitlement amounts.

19           (2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of  
20 an eligible district means the taxable valuation in the previous year of all property in the district, except for  
21 property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of  
22 a new school district under 20-6-326, divided by the district's prior year GTBA budget area.

23           (b) "District mill value per ANB", for school facility entitlement purposes, means the taxable  
24 valuation in the previous year of all property in the district, except for property subject to the creation of a new  
25 school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used  
26 to calculate the district's prior year total per-ANB entitlement amount.

27           (3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base

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1 purposes, means, subject to adjustment under [section 1 of House Bill No. 587], the sum of the taxable  
2 valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the  
3 quotient divided by the total state elementary ANB count or the total state high school ANB count used to  
4 calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

5 (4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's  
6 BASE budget after the following payments are subtracted:

- 7 (a) direct state aid;
- 8 (b) the total data-for-achievement payment;
- 9 (c) the total quality educator payment;
- 10 (d) the total at-risk student payment;
- 11 (e) the total Indian education for all payment;
- 12 (f) the total American Indian achievement gap payment; and
- 13 (g) the state special education allowable cost payment.

14 (5) (a) ~~Except as provided in subsection (6)~~, "Statewide elementary guaranteed tax base ratio" or  
15 "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an  
16 eligible district, means, subject to adjustment under [section 1 of House Bill No. 587], the sum of the taxable  
17 valuation in the previous year of all property in the state, multiplied by ~~250% for fiscal year 2022 and~~ 254% for  
18 fiscal year ~~2023 2024 and by 259% for fiscal year 2025~~ and each succeeding fiscal year and divided by the  
19 prior year statewide GTBA budget area for the state elementary school districts or the state high school  
20 districts. For fiscal year 2024 and subsequent fiscal years, the superintendent of public instruction shall  
21 increase the multiplier, not to exceed 262%, in this subsection (5)(a) as follows:

22 (i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant  
23 to 16-12-111 in the prior fiscal year is at least \$1 million more than the revenue transferred in the fiscal year 2  
24 years prior, then:

25 (A) multiply the amount of increased revenue transferred to the state general fund pursuant to 16-  
26 12-111 in the prior fiscal year above the amount of revenue transferred in the fiscal year 2 years prior by 0.25,  
27 divide the resulting product by \$500,000, and round to the nearest whole number; and

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1 (B) add the number derived in subsection (5)(a)(i)(A) as a percentage point increase to:

2 ~~(I) if the prior year was not affected by a contingency under subsection (6),~~ the multiplier used for the

3 prior fiscal year; ~~or~~

4 ~~(II) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal~~

5 ~~year had the prior fiscal year not been affected by a contingency under subsection (6);~~

6 (ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant

7 to 16-12-111 in the prior fiscal year is less than \$1 million more than the revenue transferred in the fiscal year 2

8 years prior, then the multiplier is equal to:

9 ~~(A) if the prior year was not affected by a contingency under subsection (6),~~ the multiplier used for the

10 prior fiscal year; ~~or~~

11 ~~(B) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior~~

12 ~~fiscal year had the prior fiscal year not been affected by a contingency under subsection (6); and~~

13 (iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used

14 for fiscal year 2031; and

15 (iv) for all multiplier increases under this subsection (5)(a), the calculations are made in the year

16 prior to the year in which the increase to the multiplier takes effect and impacts distribution of guaranteed tax

17 base aid.

18 (b) "~~statewide~~ Statewide mill value per elementary ANB" or "statewide mill value per high school

19 ANB", for school retirement guaranteed tax base purposes, means, subject to adjustment under [section 1 of

20 House Bill No. 587], the sum of the taxable valuation in the previous year of all property in the state, multiplied

21 by ~~421%~~ 189% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the

22 total state high school ANB amount used to calculate the elementary school districts' and high school districts'

23 prior year total per-ANB entitlement amounts.

24 ~~(6) The guaranteed tax base multiplier under subsection (5)(a) must be reduced by 4 percentage~~

25 ~~points following certification by the budget director of a contingency pursuant to Chapter 506, Laws of 2021:~~

26 ~~(a) for fiscal year 2023 if the certification is made during calendar year 2021;~~

27 ~~(b) for fiscal year 2024 if the certification is made during calendar year 2022;~~

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1 ~~(c) for fiscal year 2025 if the certification is made during calendar year 2023; and~~

2 ~~(d) for fiscal year 2026 if the certification is made during calendar year 2024."~~

3  
4 NEW SECTION. Section 10. Applicability. [Sections 5 and 6] apply to school years beginning on or  
5 after July 1, 2023.

6 - END -

AMENDED