

HOUSE BILL NO. 869

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A BILL FOR AN ACT ENTITLED: "AN ACT SUPPORTING THE PREVENTION OF CARDIAC ARREST IN YOUTH ATHLETES; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DEVELOP RESOURCES; REQUIRING COACHES TO UNDERGO TRAINING ON CARDIAC ARREST; REQUIRING COACHES TO HOLD INFORMATIONAL MEETINGS ON CARDIAC ARREST; ALLOWING COACHES, TRAINERS, AND OFFICIALS TO REMOVE A YOUTH ATHLETE FROM PARTICIPATION IF THE YOUTH ATHLETE EXHIBITS WARNING SIGNS OF CARDIAC ARREST; REQUIRING A YOUTH ATHLETE REMOVED FROM PARTICIPATION TO BE CLEARED BY A MEDICAL PROFESSIONAL PRIOR TO RETURNING TO PLAY; CLARIFYING THAT THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS IS ALLOWED AS AN ENHANCEMENT TO SCHOOL AND STUDENT SAFETY AND SECURITY AND IS THEREFORE AN ALLOWABLE EXPENDITURE FOR SCHOOL MAJOR MAINTENANCE AID; PROVIDING A DEFINITION; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-9-236 AND 20-9-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

- NEW SECTION. Section 1. Cardiac arrest response for youth athletes -- purpose -- requirements of schools and superintendent of public instruction. (1) The purposes of this section are to: (a) support, adopt, and implement a cardiac emergency response plan in schools that integrates evidence-based core elements in accordance with the American heart association guidelines or other nationally recognized, evidence-based standards; (b) raise awareness among parents of youth athletes about the risks related to cardiac arrest; and (c) ensure that coaches, athletic trainers, and athletic officials understand the risks of cardiac

1 arrest in youth athletes and that they are trained in cardiopulmonary resuscitation, first aid, and the use of an  
2 automatic external defibrillator.

3 (2) The superintendent of public instruction, after consultation with experts in cardiac arrest  
4 prevention, including health professionals, shall develop and make available on the office of public instruction's  
5 website an information sheet describing cardiac arrest symptoms and warning signs, including the risks  
6 associated with continuing to play or practice after experiencing cardiac arrest symptoms and warning signs.

7 The superintendent of public instruction is encouraged to collaborate with the athletic association, conference,  
8 or organization with authority over interscholastic sports in the state in developing materials under this  
9 subsection (2) to ensure consistency in information provided to schools, coaches, athletic trainers, and officials.

10 (3) (a) Beginning in the 2026-2027 school year, in accordance with guidelines set forth by either  
11 the American heart association or other nationally recognized, evidence-based standards, each school district  
12 and nonpublic school with an athletic department or organized athletic program shall develop a standalone  
13 cardiac emergency response plan, or embed a cardiac emergency response protocol within the school safety  
14 plan or emergency operations plan, that is venue specific and addresses the appropriate use of school  
15 personnel to respond to incidents involving an individual experiencing cardiac arrest or a similar life-threatening  
16 emergency while attending or participating in a school-sponsored athletic practice or event.

17 (b) The plan must integrate, at a minimum, the following elements:

18 (i) establishing a cardiac emergency response team;

19 (ii) activating the team in response to a sudden cardiac arrest;

20 (iii) making a clearly marked automated external defibrillator easily accessible in an unlocked  
21 location at each school athletic venue and event. The automated external defibrillators must be accessible  
22 during the school day and at any school-sponsored athletic event or team practice in which pupils of the school  
23 are participating. The automated external defibrillators must be tested and maintained according to the  
24 manufacturer's operational guidelines, and notification must be provided to the appropriate first aid, ambulance,  
25 or rescue squad or other appropriate emergency medical services provider regarding the defibrillator, the type  
26 acquired, and its location.

27 (iv) disseminating the plan throughout the school campus;

28 (v) maintaining ongoing hands-on staff training in cardiopulmonary resuscitation, first aid, and the

1 use of an automatic external defibrillator;

2 (vi) practicing annually through the use of drills;

3 (vii) integrating local emergency medical services with the plan; and

4 (viii) reviewing and evaluating the plan regularly and annually.

5 (4) Each school year, before a youth athletic activity season begins:

6 (a) a school district or nonpublic school shall inform each coach of the coach's duties under this  
7 section; and

8 (b) the coach of a youth athletic activity shall:

9 (i) obtain and maintain certification in cardiopulmonary resuscitation, first aid, and the use of an  
10 automatic external defibrillator. Certification in cardiopulmonary resuscitation and the use of an automatic  
11 external defibrillator must be consistent with nationally recognized, evidence-based emergency cardiovascular  
12 care guidelines.

13 (ii) hold an informational meeting for students, parents, and assistant coaches before each athletic  
14 season regarding the symptoms and warning signs of sudden cardiac arrest, which may include presentations  
15 from physicians, pediatric cardiologists, and athletic trainers as well as the information sheet provided under  
16 subsection (2).

17 (5) (a) If an athletic trainer, official, or coach reasonably believes a student is exhibiting symptoms  
18 or warning signs of sudden cardiac arrest, the coach may remove the student from participation in a youth  
19 athletic activity.

20 (b) If the student is removed from participation in the youth athletic activity, the coach shall attempt  
21 to notify the student's parent or legal guardian.

22 (6) A student who is removed from participation in a youth athletic activity under subsection (5)  
23 may not participate in a youth athletic activity until the student has been evaluated by and received written  
24 clearance from a licensed physician, physician assistant, or nurse practitioner.

25 (7) The sponsor of a recreational youth athletic activity may follow the guidelines provided under  
26 this section.

27 (8) As used in this section, "youth athletic activity" means:

28 (a) interscholastic athletics;

- 1 (b) an athletic contest or competition, other than interscholastic athletics, that is sponsored by or
- 2 associated with a school district or a nonpublic school, including competitive and noncompetitive cheerleading;
- 3 (c) any sports activity sponsored by a school-affiliated club; or
- 4 (d) a practice for an activity under subsection (8)(a), (8)(b), or (8)(c), including an interscholastic
- 5 practice or scrimmage.

6

7 **Section 2.** Section 20-9-236, MCA, is amended to read:

8 **"20-9-236. Transfer of funds -- improvements to school safety and security.** (1) A school district

9 that has certified to the office of public instruction a current school safety plan or emergency operations plan

10 pursuant to 20-1-401 may transfer state or local revenue from any budgeted or nonbudgeted fund, other than

11 the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school

12 district's estimated costs of improvements to school and student safety and security as follows:

13 (a) planning for improvements to and maintenance of school and student safety, including but not

14 limited to the cost of staffing for or services provided by architects, engineers, school resource officers,

15 counselors, and other staff or consultants assisting the district with improvements to school and student safety

16 and security;

17 (b) programs and training for school employees, students, parents, and community members

18 approved by the trustees to support school and student safety and security, including but not limited to active

19 shooter training, threat assessment practices pursuant to 20-1-401(3)(b), and restorative justice;

20 (c) installing or updating locking mechanisms and ingress and egress systems at public school

21 access points, including but not limited to systems for exterior egress doors and interior passageways and

22 rooms, using contemporary technologies;

23 (d) installing or updating bullet-resistant windows and barriers; ~~and~~

24 (e) installing or updating emergency response systems using contemporary technologies; and

25 (f) providing automated external defibrillators and making other student safety improvements

26 pursuant to [section 1].

27 (2) Any transfers made pursuant to subsection (1) are not considered expenditures to be applied

28 against budget authority. Any revenue transfers that are not encumbered for expenditures in compliance with

1 subsection (1) within 2 full school fiscal years after the funds are transferred must be transferred back to the  
2 originating fund from which the revenue was transferred.

3 (3) The intent of this section is to increase the flexibility and efficiency of school districts without an  
4 increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund  
5 supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the  
6 transferred funds."

7

8 **Section 3.** Section 20-9-502, MCA, is amended to read:

9 **"20-9-502. Purpose and authorization of building reserve fund -- subfund structure.** (1) The  
10 trustees of any district may establish a building reserve fund to budget for and expend funds for any of the  
11 purposes set forth in this section. Appropriate subfunds must be created to ensure separate tracking of the  
12 expenditure of funds from voted and nonvoted levies and transfers for school safety pursuant to 20-9-236.

13 (2) (a) A voted levy may be imposed and a subfund must be created with the approval of the  
14 qualified electors of the district for the purpose of raising money for the future construction, equipping, or  
15 enlarging of school buildings or for the purpose of purchasing land needed for school purposes in the district. In  
16 order to submit to the qualified electors of the district a building reserve proposition for the establishment of or  
17 addition to a building reserve, the trustees shall pass a resolution that specifies:

18 (i) the purpose or purposes for which the new or addition to the building reserve will be used;

19 (ii) the duration of time over which the new or addition to the building reserve will be raised in  
20 annual, equal installments;

21 (iii) the total amount of money that will be raised during the duration of time specified for the levy;

22 and

23 (iv) any other requirements under 15-10-425 and 20-20-201 for the calling of an election.

24 (b) Except as provided in subsection (4)(b), a building reserve tax authorization may not be for  
25 more than 20 years.

26 (c) The election must be conducted in accordance with the school election laws of this title, and  
27 the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a  
28 building reserve proposition must be substantially in compliance with 15-10-425.

1 (d) The building reserve proposition is approved if a majority of those electors voting at the election  
2 approve the establishment of or addition to the building reserve. The annual budgeting and taxation authority of  
3 the trustees for a building reserve is computed by dividing the total authorized amount by the specified number  
4 of years. The authority of the trustees to budget and impose the taxation for the annual amount to be raised for  
5 the building reserve lapses when, at a later time, a bond issue is approved by the qualified electors of the  
6 district for the same purpose or purposes for which the building reserve fund of the district was established.  
7 Whenever a subsequent bond issue is made for the same purpose or purposes of a building reserve, the  
8 money in the building reserve must be used for the purpose or purposes before any money realized by the  
9 bond issue is used.

10 (3) (a) A subfund must be created to account for revenue and expenditures for school major  
11 maintenance and repairs authorized under this subsection (3). The trustees of a district may authorize and  
12 impose a levy of no more than 10 mills on the taxable value of all taxable property within the district for that  
13 school fiscal year for the purposes of raising revenue for identified improvements or projects meeting the  
14 requirements of 20-9-525(2). The 10-mill limit under this subsection (3) must be calculated using the district's  
15 total taxable valuation most recently certified by the department of revenue under 15-10-202. The amount of  
16 money raised by the levy, the deposits and transfers authorized under subsection (3)(f) of this section, and  
17 anticipated state aid pursuant to 20-9-525(3) may not exceed the district's school major maintenance amount.  
18 For the purposes of this section, the term "school major maintenance amount" means the sum of \$15,000 and  
19 the product of \$110 multiplied by the district's budgeted ANB for the prior fiscal year. To authorize and impose a  
20 levy under this subsection (3), the trustees shall:

21 (i) following public notice requirements pursuant to 20-9-116, adopt no later than March 31 of  
22 each fiscal year a resolution:

23 (A) identifying the anticipated improvements or projects for which the proceeds of the levy, the  
24 deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid pursuant to  
25 20-9-525(3) will be used; and

26 (B) estimating a total dollar amount of money to be raised by the levy, the deposits and transfers  
27 authorized under subsection (3)(f) of this section, anticipated state aid pursuant to 20-9-525(3), and the  
28 resulting estimated number of mills to be levied using the district's taxable valuation most recently certified by

1 the department of revenue under 15-10-202; and

2 (ii) include the amount of any final levy to be imposed as part of its final budget meeting noticed in  
3 compliance with 20-9-131.

4 (b) Proceeds from the levy may be expended only for the purposes under 20-9-525(2), and the  
5 expenditure of the money must be reported in the annual trustees' report as required by 20-9-213.

6 (c) Whenever the trustees of a district impose a levy pursuant to this subsection (3) during the  
7 current school fiscal year, they shall budget for the proceeds of the levy, the deposits and transfers authorized  
8 under subsection (3)(f) of this section, and anticipated state aid pursuant to 20-9-525(3) in the district's building  
9 reserve fund budget. Any expenditures of the funds must be made in accordance with the financial  
10 administration provisions of this title for a budgeted fund.

11 (d) When a tax levy pursuant to this subsection (3) is included as a revenue item on the final  
12 building reserve fund budget, the county superintendent shall report the levy requirement to the county  
13 commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified  
14 taxable values and a levy on the district must be made by the county commissioners in accordance with 20-9-  
15 142.

16 (e) A subfund in the building reserve fund must be created for the deposit of proceeds from the  
17 levy, the deposits and transfers authorized under subsection (3)(f) of this section, and anticipated state aid  
18 pursuant to 20-9-525(3).

19 (f) If the imposition of 10 mills pursuant to subsection (3)(a) is estimated by the trustees to  
20 generate an amount less than the maximum levy revenue specified in subsection (3)(a), the trustees may  
21 deposit additional funds from any lawfully available revenue source and may transfer additional funds from any  
22 lawfully available fund of the district to the subfund provided for in subsection (3)(a), up to the difference  
23 between the revenue estimated to be raised by the imposition of 10 mills and the maximum levy revenue  
24 specified in subsection (3)(a). The district's local effort for purposes of calculating its eligibility for state school  
25 major maintenance aid pursuant to 20-9-525 consists of the combined total of funds raised from the imposition  
26 of 10 mills and additional funds raised from deposits and transfers in compliance with this subsection (3)(f).

27 (4) (a) A voted levy may be imposed and a subfund must be created with the approval of the  
28 qualified electors of the district to provide funding for transition costs incurred when the trustees:

- 1 (i) open a new school under the provisions of Title 20, chapter 6;
- 2 (ii) close a school;
- 3 (iii) replace a school building;
- 4 (iv) consolidate with or annex another district under the provisions of Title 20, chapter 6; or
- 5 (v) receive approval from voters to expand an elementary district into a K-12 district pursuant to
- 6 20-6-326.
- 7 (b) Except as provided in subsection (4)(c), the total amount the trustees may submit to the
- 8 electorate for transition costs may not exceed the number of years specified in the proposition times the greater
- 9 of 5% of the district's maximum general fund budget for the current year or \$250 per ANB for the current year.
- 10 The duration of the levy for transition costs may not exceed 6 years.
- 11 (c) If the levy for transition costs is for consolidation or annexation:
- 12 (i) the limitation on the amount levied is calculated using the ANB and the maximum general fund
- 13 budget for the districts that are being combined; and
- 14 (ii) the proposition must be submitted to the qualified electors in the combined district.
- 15 (d) The levy for transition costs may not be considered as outstanding indebtedness for the
- 16 purpose of calculating the limitation in 20-9-406.
- 17 (5) (a) A subfund in the building reserve fund must be created for:
- 18 (i) the funds transferred to the building reserve fund for school safety and security pursuant to 20-
- 19 9-236; and
- 20 (ii) funds generated by a voter-approved levy for school and student safety and security pursuant
- 21 to subsection (5)(b) of this section.
- 22 (b) A voted levy may be imposed with the approval of the qualified electors of the district to provide
- 23 funding for improvements to school and student safety and security that meet any of the criteria set forth in 20-
- 24 ~~9-236 (1)(a) through (1)(e)~~ 20-9-236(1). A voted levy for school and student safety and security may not be
- 25 considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406. The election
- 26 for a voted levy for school and student safety and security must be conducted in accordance with the school
- 27 election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions
- 28 of 20-20-301. The ballot for a building reserve proposition must be substantially in compliance with 15-10-425."

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2           NEW SECTION. Section 4. Appropriation. There is appropriated \$150,000 from the general fund to  
3 the office of public instruction for the biennium beginning July 1, 2025, to develop the information sheet  
4 described in [section 1] and support school districts in implementing the requirements of [section 1].

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6           NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an  
7 integral part of Title 20, chapter 7, part 13, and the provisions of Title 20, chapter 7, part 13, apply to [section 1].

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9           NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2025.

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