HOUSE BILL NO. 913

INTRODUCED BY J. JOHNSON, PECK, BIANCHI, KADAS, JERGESON

IN THE HOUSE

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FEBRUARY 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
FEBRUARY 18, 1991	FIRST READING.
MARCH 11, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
MARCH 12, 1991	PRINTING REPORT.
MARCH 13, 1991	SECOND READING, DO PASS.
MARCH 14, 1991	ENGROSSING REPORT.
MARCH 15, 1991	THIRD READING, PASSED. AYES, 63; NOES, 35.
	TRANSMITTED TO SENATE.
	IN THE SENATE
MARCH 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
MARCH 27, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 2, 1991	ON MOTION, CONSIDERATION PASSED UNTIL THE 70TH LEGISLATIVE DAY.
APRIL 3, 1991	SECOND READING, CONCURRED IN AS AMENDED.
APRIL 4, 1991	THIRD READING, CONCURRED IN. AYES, 40; NOES, 10.
	RETURNED TO HOUSE WITH AMENDMENTS.
	IN THE HOUSE

APRIL 10, 1991

SECOND READING, AMENDMENTS NOT

CONCURRED IN.

APRIL 12, 1991	ON MOTION, FREE CONFERENCE COMMITTEE REQUESTED AND APPOINTED.
	IN THE SENATE
APRIL 16, 1991	ON MOTION, FREE CONFERENCE COMMITTEE REQUESTED AND APPOINTED.
	IN THE HOUSE
APRIL 19, 1991	FREE CONFERENCE COMMITTEE REPORTED.
APRIL 20, 1991	SECOND READING, FREE CONFERENCE COMMITTEE REPORT ADOPTED.
APRIL 22, 1991	THIRD READING, FREE CONFERENCE COMMITTEE REPORT ADOPTED.
	IN THE SENATE
APRIL 22, 1991	FREE CONFERENCE COMMITTEE REPORT ADOPTED.
	IN THE HOUSE
APRIL 23, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

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A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PUBLIC INSTRUCTION TO SPEND FUNDS SUPERINTENDENT OF APPROPRIATED TO THE STATE EQUALIZATION AID ACCOUNT FOR COSTS ASSOCIATED WITH THE GENERAL SUPERVISION OF THE SCHOOL DISTRICTS OF THE STATE: AMENDING SECTION 20-9-343, MCA; AND PROVIDING AN EFFECTIVE DATE." 9

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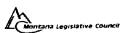
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-9-343, MCA, is amended to read:

"20-9-343. Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means the money deposited in the state special revenue fund as required in this section plus any legislative appropriation of money from other sources for:

- (a) distribution to the public schools for the purposes 18 19 of payment of quaranteed tax base aid and for equalization of the foundation program; and 20
- (b) payment of costs associated with the general 21 supervision of the school districts of the state as provided 22 23 in 20-3-106.
 - (2) The superintendent of public instruction may spend funds appropriated for state equalization aid as required



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2	and	for	costs	asso	ciated	wit	h th	e general	supervisio	n of	the

- school districts of the state throughout the biennium. (3) The following must be paid into the state special revenue fund for state equalization aid to public schools of
 - (a) money received from the collection of income taxes under chapter 30 of Title 15, as provided by 15-1-501;
- 9 (b) except as provided in 15-31-702, money received 10 from the collection of corporation license and income taxes 11 under chapter 31 of Title 15, as provided by 15-1-501;
- 12 (c) money allocated to state equalization from the 13 collection of the severance tax on coal;
- 14 (d) money received from the treasurer of the United 15 States as the state's shares of oil, gas, and other mineral 16 royalties under the federal Mineral Lands Leasing Act, as
- 18 (e) interest and income money described in 20-9-341 and 19 20-9-342;
- (f) money received from the state equalization aid levy 20 21 under 20-9-360:
- 22 (g) income from the lottery, as provided in 23-5-1027;
- 23 (h) the surplus revenues collected by the counties for
- 24 foundation program support according to 20-9-331 and

25 20-9-333:

amended;

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INTRODUCED BILL

-2- HB 913

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- (j) 15% of the income and earnings of all coal severance tax funds as provided in 17-5-704(2).
 - (4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.
- (5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium."
- NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1991.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0913, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to allow the Superintendent of Public Instruction to spend funds appropriated to the state equalization aid account for costs associated with the general supervision of the school districts of the state.

ASSUMPTIONS:

1. Any expenditures from the equalization account for the general supervision of schools would require a specific appropriation by the legislature.

FISCAL IMPACT:

None.

ROD SUNDSTED, BUDGET DIRECTOR

Office of Budget and Program Planning

JOHN JOHNSON, PRIMARY SPONSOR

Fiscal Note for HB0913, as introduced

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APPROVED BY COMMITTEE ON APPROPRIATIONS

Louise BILL NO. 913 1 INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO SPEND FUNDS APPROPRIATED TO THE STATE EQUALIZATION AID ACCOUNT FOR COSTS 7 ASSOCIATED WITH THE GENERAL SUPERVISION OF THE SCHOOL DISTRICTS OF THE STATE: AMENDING SECTION 20-9-343, MCA; AND 9 PROVIDING AN EFFECTIVE DATE."

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Section 1. Section 20-9-343, MCA, is amended to read:

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- (a) distribution to the public schools for the purposes of payment of quaranteed tax base aid and for equalization of the foundation program; and
- (b) payment of costs associated with the general 21 supervision of the school districts of the state as provided 22 23 in 20-3-106.
- 24 (2) The superintendent of public instruction may spend 25 funds appropriated for state equalization aid as required

for quaranteed tax base aid and foundation program purposes and for costs associated with the general supervision of the school districts of the state throughout the biennium.

- (3) The following must be paid into the state special revenue fund for state equalization aid to public schools of the state:
- (a) money received from the collection of income taxes under chapter 30 of Title 15, as provided by 15-1-501;
- 9 (b) except as provided in 15-31-702, money received 10 from the collection of corporation license and income taxes 11 under chapter 31 of Title 15, as provided by 15-1-501;
- 12 (c) money allocated to state equalization from the 13 collection of the severance tax on coal:
- 14 (d) money received from the treasurer of the United 15 States as the state's shares of oil, gas, and other mineral 16 royalties under the federal Mineral Lands Leasing Act, as 17 amended:
- 18 (e) interest and income money described in 20-9-341 and 19 20-9-342:
- 20 (f) money received from the state equalization aid levy 21 under 20-9-360:
- 22 (g) income from the lottery, as provided in 23-5-1027:
- 23 (h) the surplus revenues collected by the counties for 24 foundation program support according to 20-9-331 and 20-9-333;

SECOND READING

(i) investment income earned by investing money in the state equalization aid account in the state special revenue fund; and

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- (j) 15% of the income and earnings of all coal severance tax funds as provided in 17-5-704(2).
 - (4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.
 - (5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium."
- NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1991.

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special revenue fund as required in this section plus any
legislative appropriation of money from other sources for:

- (a) distribution to the public schools for the purposes of payment of guaranteed tax base aid and <u>for</u> equalization of the foundation program; and
- 21 (b) payment of costs associated with the general
 22 supervision of the school districts of the state as provided
 23 in 20-3-106.
- (2) The superintendent of public instruction may spendfunds appropriated for state equalization aid as required

1	for guaranteed tax base aid and foundation program purposes
2	and for costs associated with the general supervision of the
3	school districts of the state throughout the biennium.

- (3) The following must be paid into the state special revenue fund for state equalization aid to public schools of the state:
- 7 (a) money received from the collection of income taxes 8 under chapter 30 of Title 15, as provided by 15-1-501;
- 9 (b) except as provided in 15-31-702, money received 10 from the collection of corporation license and income taxes 11 under chapter 31 of Title 15, as provided by 15-1-501;
- (c) money allocated to state equalization from the collection of the severance tax on coal;
- 14 (d) money received from the treasurer of the United 15 States as the state's shares of oil, gas, and other mineral 16 royalties under the federal Mineral Lands Leasing Act, as 17 amended:
- 18 (e) interest and income money described in 20-9-341 and 19 20-9-342:
- 20 (f) money received from the state equalization aid levy 21 under 20-9-360:
- 22 (g) income from the lottery, as provided in 23-5-1027;
- 23 (h) the surplus revenues collected by the counties for 24 foundation program support according to 20-9-331 and 25 20-9-333; THIRD READING

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- (4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.
- (5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium."
- NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1991.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1 March 27, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 913 (third reading copy -- blue), respectfully report that House Bill No. 913 be amended and as so amended be concurred in:

1. Title, line 8. Following: "AMENDING" Strike: "SECTION" Insert: "SECTIONS" Following: "20-9-343" Insert: "AND 20-9-361"

2. Title, line 9. Following: "DATE" Insert: "AND A TERMINATION DATE"

3. Page 3.

Following: line 13

Insert: "NEW SECTION. Section 2. Section 20-9-361, MCA, is amended to read:

"20-9-361. State and county equalization revenue -statutory appropriation. Revenue received in support of state and county equalization under the provisions of 20-9-331, 20-9-333, and 20-9-343(1)(a) is statutorily appropriated, as provided in 17-7-502, to:

- (1) the superintendent of public instruction to be used for county equalization and state equalization aid for the public schools, as provided by law, and must be accounted for in accordance with generally accepted accounting principles; and
- (2) counties as provided in 20-9-360(2)."" Renumber: subsequent section

4. Page 3.

Following: line 15

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates June 30, 1993."

Signed: Judy H. Jacobson, Chairman

SENATE HB 913

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 3, 1991 9:29 am

Mr. Chairman: I move to amend House Bill No. 913 (third reading copy -- blue) as follows:

Amend Senate Finance and Claims Committee amendment dated March 27, 1991, as follows:

Amendment No. 3

Strike, the inserted "(1)(a)"

In subsection (1), following "public schools":

Strike: ", as provided by law,"

Insert: "for the purposes of 20-9-343(1)(a)"

HB No. 913, third reading copy, is further amended to read:

1. Title, line 6. Following: "FOR" Insert: "CERTAIN"

2. Title, line 7.

Strike: "ASSOCIATED WITH THE GENERAL SUPERVISION OF" Insert: "FOR"

3. Page 3, line 14. Following: line 13

Insert: "NEW SECTION. Section 2. Coordination instruction. (1)If House Bill No. 328 is passed and approved and if it includes a section that amends 2-7-514(2) requiring the filing fees for school district audits to be paid by the superintendent of public instruction from funds appropriated for state equalization aid as defined in 20-9-343, then 20-9-343(1)(b) and (2) as amended by [section 1 of this act] are void and are replaced with:

- "(b) filings fees for school district audits as required by 2-7-514(2).
- (2) The superintendent of public instruction may spend funds appropriated for state equalization aid, as required by subsection (1)(a), throughout the biennium."
- (2) If Senate Bill No. 82 is passed and approved and if it includes an appropriation for state transportation reimbursements from state equalization aid as defined in 20-9-343, then 20-9-343(1)(b) and (2), as amended by [section 1 of this act], are void and are replaced with:
- "(b) state transportation reimbursements as provided in 20-10-145.
- (2) The superintendent of public instruction may spend funds appropriated for state equalization aid, as required by subsection (1)(a), throughout the biennium.""

Renumber: subsequent section

ADOPT

REJECT

Signed: Dervis I Market Senator Nathe

Amd. Coord. 19.45 Sec. of Sen. 5B 4/3

1	HOUSE BILL NO. 913
2	INTRODUCED BY J. JOHNSON, PECK, BIANCHI,
3	KADAS, JERGESON
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE
6	SUPERINTENDENT OF PUBLIC INSTRUCTION TO SPEND FUNDS
7	APPROPRIATED TO THE STATE EQUALIZATION AID ACCOUNT FOR
8	CERTAIN COSTS ASSOCIATED-WITH-THE-GENERAL-SUPERVISION-OF FOR
9	THE SCHOOL DISTRICTS OF THE STATE; AMENDING SECTIONS
10	20-9-343 AND 20-9-361, MCA; AND PROVIDING AN EFFECTIVE DATE
11	AND A TERMINATION DATE."
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13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 20-9-343, MCA, is amended to read:
15	*20-9-343. Definition of and revenue for state
16	equalization aid. (1) As used in this title, the term "state
17	equalization aid" means the money deposited in the state
18	special revenue fund as required in this section plus any
19	legislative appropriation of money from other sources for:
20	(a) distribution to the public schools for the purposes
21	of payment of quaranteed tax base aid and for equalization
22	• •
	of the foundation program; and
23	(b) payment of costs associated with the general
24	supervision of the school districts of the state as provided
25	in 20-3-106.

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2	funds appropriated for state equalization aid as required
3	for guaranteed tax base aid and foundation program purposes
4	and for costs associated with the general supervision of the
5	school districts of the state throughout the biennium.
6	(3) The following must be paid into the state special
7	revenue fund for state equalization aid to public schools of
8	the state:
9	(a) money received from the collection of income taxes
0	under chapter 30 of Title 15, as provided by 15-1-501;
1	(b) except as provided in 15-31-702, money received
2	from the collection of corporation license and income taxes
3	under chapter 31 of Title 15, as provided by 15-1-501;
4	(c) money allocated to state equalization from the
5	collection of the severance tax on coal;
6	(d) money received from the treasurer of the United
7	States as the state's shares of oil, gas, and other mineral
8	royalties under the federal Mineral Lands Leasing Act, as
9	amended;
0	(e) interest and income money described in 20-9-341 and
1	20-9-342;
2	(f) money received from the state equalization aid levy
3	under 20-9-360;
4	(g) income from the lottery, as provided in 23-5-1027;
5	(h) the surplus revenues collected by the counties for
	•

superintendent of public instruction may spend

- foundation program support according to 20-9-331 and 20-9-333;
- 3 (i) investment income earned by investing money in the 4 state equalization aid account in the state special revenue 5 fund; and
- 6 (j) 15% of the income and earnings of all coal 7 severance tax funds as provided in 17-5-704(2).

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- (4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.
- (5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium."

SECTION 2. SECTION 20-9-361, MCA, IS AMENDED TO READ:

- **20-9-361. State and county equalization revenue -statutory appropriation. Revenue received in support of
 state and county equalization under the provisions of
 20-9-331, 20-9-333, and 20-9-343(1)(a) is statutorily
 appropriated, as provided in 17-7-502, to:
- (1) the superintendent of public instruction to be used for county equalization and state equalization aid for the public schools_-as-provided-by-law, FOR THE PURPOSES OF 20-9-343(1)(A) and must be accounted for in accordance with

- generally accepted accounting principles; and
- 2 (2) counties as provided in 20-9-360(2)."
- NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. (1)
- 4 IF HOUSE BILL NO. 328 IS PASSED AND APPROVED AND IF IT
- 5 INCLUDES A SECTION THAT AMENDS 2-7-514(2) REQUIRING THE
- 6 FILING FEES FOR SCHOOL DISTRICT AUDITS TO BE PAID BY THE
- 7 SUPERINTENDENT OF PUBLIC INSTRUCTION FROM FUNDS APPROPRIATED
- 8 FOR STATE EQUALIZATION AID AS DEFINED IN 20-9-343, THEN
- 9 20-9-343(1)(B) AND (2), AS AMENDED BY [SECTION 1 OF THIS
- 10 ACT], ARE VOID AND ARE REPLACED WITH:
- 11 "(B) FILING FEES FOR SCHOOL DISTRICT AUDITS AS REQUIRED
- 12 BY 2-7-514(2).
- 13 (2) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY SPEND
- 14 FUNDS APPROPRIATED FOR STATE EQUALIZATION AID, AS REQUIRED
- 15 BY SUBSECTION (1)(A), THROUGHOUT THE BIENNIUM."
- 16 (2) IF SENATE BILL NO. 82 IS PASSED AND APPROVED AND IF
- 17 IT INCLUDES AN APPROPRIATION FOR STATE TRANSPORTATION
- 18 REIMBURSEMENTS FROM STATE EQUALIZATION AID AS DEFINED IN
- 19 20-9-343, THEN 20-9-343(1)(B) AND (2), AS AMENDED BY
- 20 [SECTION 1 OF THIS ACT], ARE VOID AND ARE REPLACED WITH:
- 21 "(B) STATE TRANSPORTATION REIMBURSEMENTS AS PROVIDED IN
- 22 20-10-145.
- 23 (2) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY SPEND
- 24 FUNDS APPROPRIATED FOR STATE EQUALIZATION AID, AS REQUIRED
- 25 BY SUBSECTION (1)(A), THROUGHOUT THE BIENNIUM."

HB 0913/02

1	NEW SECTION.	Section 4.	Effective date.	[This act]	is
2	effective July 1,	1991.			
3	NEW SECTION.	SECTION 5.	TERMINATION.	[THIS	ACT]
4	MEDMINATES TIME 2	0 1002			

Free Conference Committee on House Bill 913 Report No. 1, April 19, 1991



Page 1 of 1

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 913 and recommend that House Bill 913 (reference copy -- salmon) be amended as follows:

1. Page 4, line 3.
Strike: "(1)"

2. Page 4, lines 16 through 25. Strike: lines 16 through 25 in their entirety

And this Free Conference Committee report be adopted.

For the House:

For the Senate:

Red. J. Johnson, Chair

Sen. Jergeson/Chair

Rep. Spring

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2	INTRODUCED BY J. JOHNSON, PECK, BIANCHI,
3	KADAS, JERGESON
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE
6	SUPERINTENDENT OF PUBLIC INSTRUCTION TO SPEND FUNDS
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8	CERTAIN COSTS ASSOCIATED-WITH-THE-GENERAL-SUPERVISION-OF FOR
9	THE SCHOOL DISTRICTS OF THE STATE; AMENDING SECTIONS
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18	special revenue fund as required in this section plus any
19	legislative appropriation of money from other sources for:
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21	of payment of guaranteed tax base aid and for equalization
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HOUSE BILL NO. 913

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- 9 (a) money received from the collection of income taxes 10 under chapter 30 of Title 15, as provided by 15-1-501;
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 15 collection of the severance tax on coal;
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- 25 (h) the surplus revenues collected by the counties for

1	foundation	program	support	according	to	20-9-331	and
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- 9 20-9-343(1)(B) AND (2), AS AMENDED BY [SECTION 1 OF THIS
- 10 ACT], ARE VOID AND ARE REPLACED WITH:
- 11 "(B) FILING FEES FOR SCHOOL DISTRICT AUDITS AS REQUIRED
- 12 BY 2-7-514(2).
- 13 (2) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY SPEND
- 14 FUNDS APPROPRIATED FOR STATE EQUALIZATION AID, AS REQUIRED
- 15 BY SUBSECTION (1)(A), THROUGHOUT THE BIENNIUM."
- 16 +2)--IP-SENATE-BILL-NO:-82-IS-PASSED-AND-APPROVED-AND-IP
- 17 IT--INCLUDES--AN--APPROPRIATION--FOR--STATE---TRANSPORTATION
- 18 REIMBURSEMENTS -- PROM -- STATE -- EQUALIZATION -- AID-AS-DEFINED IN
- 19 20-9-3437--THEN--20-9-343(1)(B)--AND--(2)7--AS--AMENDED---BY
- 20 {SECTION-1-OF-THIS-ACT},-ARE-VOID-AND-ARE-REPLACED-WITH+
- 21 "(B)--STATE-TRANSPORTATION-REIMBURSEMENTS-AS-PROVIDED-IN
- 22 20-10-145-
- 23 (2)--THE--SUPERINTENDENT-OF-PUBLIC-INSTRUCTION-MAY-SPEND
- 24 FUNDS-APPROPRIATED-FOR-STATE-EQUALIZATION-AID7--AS--REQUIRED

-4-

25 BY-SUBSECTION-(1)(A);-THROUGHOUT-THE-BIENNIUM:"

HB 0913/03

- 1 NEW SECTION. Section 4. Effective date. [This act] is
- 2 effective July 1, 1991.
- NEW SECTION. SECTION 5. TERMINATION. [THIS ACT
- 4 TERMINATES JUNE 30, 1993.