

on such area to meet the need.

August 15, 1951.

Mr. J. E. McKenna
County Attorney
Fergus County
Lewistown, Montana

Dear Mr. McKenna:

You have requested my opinion concerning the levy to be made on a joint school district to meet the deficiency in state aid on the foundation program for the elementary budget. You advise me that Judith Basin County, in which part of the joint district is located, meets the standard of the foundation program without state aid. You also state that Fergus County, in which part of the joint district is situated, requires state aid in order to achieve the foundation program. As there is a 10 per cent deficiency in state aid, you would like to know what area of the joint district is subject to a levy to supply the funds for the deficiency.

Section 17 of Chapter 199, Laws of 1949, as amended by Section 1 of Chapter 182, Laws of 1951, contains specific directions for the computation of the elementary budgets in joint school districts. This statute reads in part as follows:

"The balance of the budget over the foundation program, plus any deficiency in the state equalization payment on the foundation program, shall be an obligation of all parts of the joint district and the levy for this amount shall be determined by dividing the amount required by the total taxable valuation of the entire joint school district."

From the above quoted portion of Chapter 182, Laws of 1951, it is apparent that any deficiency in state aid must be met by a levy on the whole area of the joint school district. This results in an inequality to that portion of a joint district which is located in a county which does not require state aid because of the five mill district levy and the apportionment of the ten mill county levy are sufficient to meet the foundation program budget requirements. However, the legislature by this statute, has fixed the means of meeting the standard of the foundation program and we are bound by this law.

Opinion No. 33

**Schools and School Districts—Joint
School District, Levy for Deficiency
In State Aid**

Held: Any deficiency in state aid for the elementary budget in a joint school is the obligation of the entire area of the joint district and a levy must be made

It is therefore my opinion that any deficiency in state aid for the elementary budget in a joint school is the obligation of the entire area of the joint district and a levy must be made on such area to meet the need.

Very truly yours,
ARNOLD H. OLSEN
Attorney General