

1 *Senate* BILL NO. 300
 2 INTRODUCED BY Watt Murray
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE COUNTY
 5 BOARDS OF SCHOOL BUDGET SUPERVISORS AND TRANSFER THEIR
 6 DUTIES TO THE BOARDS OF TRUSTEES; AMENDING SECTIONS 75-5707,
 7 75-5806, 75-6106, 75-6513, 75-6709, 75-6713, 75-6714,
 8 75-6716, 75-6717, 75-6719, 75-6720, 75-6721, 75-6727,
 9 75-6728, 75-6803, AND 75-7203, R.C.M. 1947; AND REPEALING
 10 SECTIONS 75-6703, 75-6715, AND 75-6728, R.C.M. 1947."

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

12 Section 1. Section 75-5707, R.C.M. 1947, is amended to
 13 read as follows:

14 "75-5707. Powers and duties. The superintendent of
 15 public instruction shall have the general supervision of the
 16 public schools and districts of the state, and he shall have
 17 the power and shall perform the following duties or acts in
 18 implementing and enforcing the provisions of this Title:

19 (1) resolve any controversy resulting from the
 20 proration of joint costs by a joint board of trustees under
 21 the provisions of section 75-5929;

22 (2) issue, renew or deny teacher certification and
 23 emergency authorizations of employment and give notice of
 24 teacher certification suspension or revocation proceedings
 25

1 to be conducted by the board of education in accordance with
 2 the provisions of the teacher certification chapter of this
 3 Title;

4 (3) negotiate reciprocal tuition agreements with other
 5 states in accordance with the provisions of section 75-6318;

6 (4) pay the tuition for the residents of the Montana
 7 children's center at Twin Bridges high school in accordance
 8 with the provisions of section 75-6319;

9 (5) serve on the teachers' retirement board in
 10 accordance with the provisions of section 75-6203;

11 (6) prescribe absentee voting forms and rules in
 12 accordance with the provisions of section 75-6416;

13 (7) approve or disapprove the orders of a high school
 14 boundary commission in accordance with the provisions of
 15 section 75-6528;

16 (8) approve or disapprove the opening or reopening of
 17 a school in accordance with the provisions of sections
 18 75-6602, 75-6603, 75-6604, or 75-6605;

19 (9) approve or disapprove school isolation within the
 20 limitations prescribed by section 75-6608;

21 (10) generally supervise the school budgeting
 22 procedures prescribed by law in accordance with the
 23 provisions of section 75-6702, and prescribe the school
 24 budget format in accordance with the provisions of section
 25 75-6704 and 75-7209;

1 (11) establish a system of communication for
2 calculating joint district revenues in accordance with the
3 provisions of section 75-6721;

4 (12) approve or disapprove the adoption of a district's
5 emergency budget resolution under the conditions prescribed
6 in section 75-6725, and publish rules and regulations for an
7 application for additional state aid for an emergency budget
8 in accordance with the approval and disbursement provisions
9 of section 75-6729;

10 (13) generally supervise the school financial
11 administration provisions as prescribed by section 75-6802;

12 ~~(14) appoint the responsible county officials for the~~
13 ~~performance of the budgeting duties and the financial~~
14 ~~administration duties for a joint district in accordance~~
15 ~~with the provisions of sections 75-6728 and 75-6803;~~

16 ~~(15)~~ (14) prescribe and furnish the annual report forms
17 to enable the districts to report to the county
18 superintendent in accordance with the provisions of
19 subsection (5) of section 75-6806, and the annual report
20 forms to enable the county superintendents to report to the
21 superintendent of public instruction in accordance with the
22 provisions of section 75-5809;

23 ~~(16)~~ (15) approve, disapprove or adjust an increase of
24 the average number belonging (ANB) in accordance with the
25 provisions of sections 75-6903 and 75-6904;

1 ~~(17)~~ (16) distribute state equalization aid in support
2 of the foundation program in accordance with the provisions
3 of sections 75-6906, 75-6918, and 75-6919;

4 ~~(18)~~ (17) estimate the state-wide equalization level for
5 the foundation program in accordance with the provisions of
6 section 75-6920;

7 ~~(19)~~ (18) distribute state impact aid in accordance with
8 the provisions of section 75-6925;

9 ~~(20)~~ (19) provide for the uniform and equal provision of
10 transportation by performing the duties prescribed by the
11 provisions of section 75-7005;

12 ~~(21)~~ (20) approve or disapprove an adult education
13 program for which a district proposes to levy a tax in
14 accordance with the provisions of section 75-7207;

15 ~~(22)~~ (21) request, accept, deposit and expend federal
16 moneys in accordance with the provisions of section 75-7303;

17 ~~(23)~~ (22) authorize the use of federal moneys for the
18 support of an interlocal co-operative agreement in
19 accordance with the provisions of sections 75-7306 and
20 75-7307;

21 ~~(24)~~ (23) prescribe the form and contents of and approve
22 or disapprove interstate contracts in accordance with the
23 provisions of section 75-7308;

24 ~~(25)~~ (24) approve or disapprove the conduct of school on
25 a Saturday or on pupil-instruction-related days in

1 accordance with the provisions of sections 75-7404 and
2 75-7405;

3 ~~(26)~~(25) recommend standards of accreditation for all
4 schools to the board of education, and evaluate compliance
5 with such standards and recommend accreditation status of
6 every school to the board of education in accordance with
7 the provisions of sections 75-7501 and 75-7502;

8 ~~(27)~~(26) collect and maintain a file of curriculum
9 guides and assist schools with instructional programs in
10 accordance with the provisions of sections 75-7505 and
11 75-7506;

12 ~~(28)~~(27) recommend the scope of conservation education
13 in the schools to the board of education in accordance with
14 the provisions of section 75-7509;

15 ~~(29)~~(28) establish and maintain a library of visual,
16 aural, and other educational media in accordance with the
17 provisions of section 75-7511;

18 ~~(30)~~(29) license textbook dealers, maintain a textbook
19 library, initiate prosecution of textbook dealers violating
20 the law, and supply a textbook listing in accordance with
21 the provisions of the textbooks chapter of this Title;

22 ~~(31)~~(30) administer and perform the duties as the
23 executive officer of the board of education for vocational
24 education in accordance with the provisions of section
25 75-7703;

1 ~~(32)~~(31) consider applications for the designation of a
2 post-secondary vocational-technical center in accordance
3 with the provisions of section 75-7707;

4 ~~(33)~~(32) establish a fund for the handling of
5 post-secondary vocational-technical center fees in
6 accordance with the provisions of section 75-7714;

7 ~~(34)~~(33) supervise and co-ordinate the conduct of
8 special education in the state in accordance with the
9 provisions of section 75-7803;

10 ~~(35)~~(34) administer the traffic education program in
11 accordance with the provisions of section 75-7904;

12 ~~(36)~~(35) administer the school food services program in
13 accordance with the provisions of sections 75-8002, 75-8003,
14 and 75-8004;

15 ~~(37)~~(36) determine the result of an organization
16 election for a community college district and the related
17 election of trustees in accordance with the provisions of
18 section 75-8112;

19 ~~(38)~~(37) review school building plans and
20 specifications in accordance with the provisions of section
21 75-8206;

22 ~~(39)~~(38) publish and distribute fire danger books in
23 accordance with the provisions of section 75-8309;

24 ~~(40)~~(39) prescribe the method of identification and
25 signals to be used by school safety patrols in accordance

1 with the provisions of section 75-8310; and
2 ~~(4)(4)~~ perform any other duty prescribed from time to
3 time by this Title, any other act of the legislature, or the
4 policies of the board of education."

5 Section 2. Section 75-5806, R.C.M. 1947, is amended to
6 read as follows:

7 "75-5806. Additional positions. In his capacity as
8 county superintendent, he also shall serve as:

9 ~~(1) the county superintendent for a joint district~~
10 ~~under the conditions prescribed by sections 75-6720,~~
11 ~~75-6803, and 75-6106;~~

12 ~~(2) the clerk of the board of school budget~~
13 ~~supervisors, as prescribed by section 75-6703;~~

14 ~~(3)(1)~~ the chairman of the county transportation
15 committee, as prescribed by section 75-7014;

16 ~~(4)(2)~~ a member of the high school boundary commission
17 of the county, as prescribed by section 75-6521;

18 ~~(5)(3)~~ an attendance officer for a district under the
19 conditions prescribed by section 75-6305; and

20 ~~(6)(4)~~ the clerk of a joint board of trustees under
21 the conditions prescribed by section 75-5928."

22 Section 3. Section 75-6106, R.C.M. 1947, is amended to
23 read as follows:

24 "75-6106. Teacher certification registration. Any
25 person employed as a teacher, principal, or district

1 superintendent shall register his certificate or the
2 district shall register its emergency authorization of
3 employment for a teacher with the county superintendent of
4 the county wherein he is employed in order to validate his
5 employment status and permit payment under his employment
6 contract. If a teacher does not register his certificate
7 with the county superintendent within sixty (60) calendar
8 days after the teacher begins to perform his services, he
9 shall not be eligible to receive any further compensation
10 under his contract of employment until he has registered his
11 certificate. After the schools of a district have been open
12 for sixty (60) calendar days in the current school fiscal
13 year, the county superintendent shall notify each district
14 of the county of each teacher who has registered his current
15 valid certificate, and the district shall not pay any
16 teacher who has not registered his certificate until the
17 county superintendent does notify the district of such
18 registration.

19 A teacher employed by a joint district shall register
20 his certificate with the ~~county superintendent of the county~~
21 boards of trustees performing the budgeting functions for
22 the joint district, as defined in section 75-6720."

23 Section 4. Section 75-6513, R.C.M. 1947, is amended to
24 read as follows:

25 "75-6513. Joint elementary district abandonment. Any

1 joint elementary district shall be abandoned for the reasons
 2 prescribed in section 75-6512 or when the taxable value of
 3 the taxable property of the portion of the joint district
 4 that is located within any one of the counties is of so
 5 little value that the continued inclusion of such portion in
 6 the joint district is not justified. The county
 7 superintendent boards of trustees designated by section
 8 75-6720 for school budgeting purposes shall be responsible
 9 for ordering the abandonment of the joint district and shall
 10 immediately send a copy of such order to the county
 11 superintendent of each county with territory in the joint
 12 district.

13 After the issuance or receipt of the abandonment order,
 14 each county superintendent shall attach the territory within
 15 his county to a contiguous elementary district within his
 16 county; except when the district is abandoned because of the
 17 lack of taxable property in one county's territory of the
 18 district and a school is operated in another county's
 19 territory of the district which territory has a taxable
 20 value of seventy-five thousand dollars (\$75,000) or more,
 21 the county superintendent of the county where such territory
 22 is located shall not attach it to another district. Such
 23 territory shall continue to operate as an elementary
 24 district within the county.

25 Any abandonment of a joint elementary district shall

1 become effective on the date of the abandonment order except
 2 that district abandonments under the provisions of
 3 subsection (1) of section 75-6512 shall become effective on
 4 the first day of July."

5 Section 5. Section 75-6709, R.C.M. 1947, is amended to
 6 read as follows:

7 "75-6709. Notice of preliminary budget filing and
 8 final budget meeting. Between the tenth and twentieth days
 9 of July of each year, the county--superintendent clerk of
 10 each district shall publish notice one (1) time in the
 11 official newspaper of the county stating that the
 12 preliminary budgets budget for ~~all-districts-in-the-county~~
 13 the district for the school fiscal year just beginning, as
 14 prepared and adopted by the respective trustees, ~~are~~ is on
 15 file in his office and ~~that--such--budgets--are~~ open to
 16 inspection of by all taxpayers. The notice shall also state
 17 that the ~~board--of-school-budget-supervisors-of-the-county~~
 18 trustees will meet at 10 a.m. on the fourth Monday in July
 19 for the purpose of considering and adopting the final budget
 20 of ~~each the~~ district, that the meeting of ~~such-budget-board~~
 21 the trustees may be continued from day to day until the
 22 final adoption of ~~all the districts'-budgets~~ district's
 23 budget, and that any taxpayer in a ~~the~~ district may appear
 24 at such ~~budget-board~~ meeting and be heard for or against any
 25 part of the budget of ~~his-district~~."

1 Section 6. Section 75-6713, R.C.M. 1947, is amended to
2 read as follows:

3 "75-6713. Final budget meeting. On the fourth Monday
4 in July, at the hour of 10 a.m., the ~~budget board of each~~
5 county trustees of each district shall meet ~~in the office~~
6 ~~of the county superintendent. The county superintendent as~~
7 ~~clerk of the budget board, shall place before the budget~~
8 ~~board of the district to consider the preliminary~~
9 budgets budget submitted to or prepared by the county
10 superintendent, including all information and any
11 attachments required by law. ~~The budget board shall examine~~
12 ~~and consider the budgets.~~

13 The ~~budget board trustees~~ may continue its ~~the~~ meeting
14 from day to day but shall adopt the final budget for each
15 ~~the~~ district and determine the amounts to be raised by tax
16 levies for each ~~the~~ district not later than the second
17 Monday in August and before the fixing of the tax levies for
18 each district. Any taxpayer in any ~~the~~ district may attend
19 any portion of the ~~budget board's trustees'~~ meeting and be
20 heard on the budget of such district or on any item or
21 amount contained in such budget."

22 Section 7. Section 75-6714, R.C.M. 1947, is amended to
23 read as follows:

24 "75-6714. Final budget adjustment procedures. At the
25 final budget meeting of the ~~budget board, the budget board~~

1 ~~trustees, they~~ shall have the power to make any changes or
2 corrections ~~it they~~ may deem necessary or proper in any item
3 or amount of the preliminary budget either by eliminating
4 the item or amount, or by increasing or reducing the amount
5 of any item. When it appears to the ~~budget board trustees~~
6 that the amount proposed to be expended for any item of the
7 preliminary budget is in excess of the amount actually
8 required to be expended for such item, the ~~budget board~~
9 ~~trustees~~ shall reduce such amount to the amount actually
10 required to be expended and shall enter in its minutes the
11 reasons for such reduction ~~and shall immediately send a copy~~
12 ~~of such entry in the minutes to the chairman of the trustees~~
13 ~~of the applicable district.~~

14 ~~Whenever the budget board adjusts a district's budget~~
15 ~~by any amount or eliminates any item, the budget board shall~~
16 ~~not take final action on such budget and shall afford the~~
17 ~~trustees of such district an opportunity to be heard on the~~
18 ~~budget by calling a hearing to be held on the first Monday~~
19 ~~in August. At such hearing, the budget board shall invoke~~
20 ~~the applicable school budget adjustment procedure to~~
21 ~~determine the amount adopted in the final budget. The school~~
22 ~~budget adjustment procedure shall be:~~

23 (1) ~~ELEMENTARY~~

24 ~~if, at such hearing, the trustees and the budget board~~
25 ~~are unable to agree on the amount or need for any item of an~~

1 elementary district budget, the majority vote of all members
2 of the elementary district board of trustees shall finally
3 fix and determine such amount or item and this amount or
4 item shall not be changed by the budget board.

5 (2) ~~HF6H-5EH03t~~

6 At the hearing on the high school district budget, the
7 chairman of the budget board or a member of that board
8 appointed by him, the chairman of the board of trustees of
9 the high school district or a member of that board appointed
10 by him and the county superintendent shall constitute a
11 board of review. This board of review shall have the power
12 and it shall be its duty to consider each amount or item
13 adjusted by the budget board and to fix and determine such
14 amount or item for the final budget. Such amount or item
15 shall not be subject to further review."

16 Section 8. Section 75-6716, R.C.M. 1947, is amended to
17 read as follows:

18 "75-6716. Adoption and expenditure limitations of
19 final budget. When the budget board has trustees have caused
20 the amount of an item of the budget for a the district to be
21 determined and set, it shall enter the amount in the portion
22 of the budget form provided for the reporting of the final
23 budget and upon completion of all the items, the chairman
24 and clerk ~~of the budget board~~ shall sign the budget form.
25 The resulting budget shall constitute the final budget and

1 the appropriations for the district for the current school
2 fiscal year. The ~~board of~~ trustees and all officers and
3 employees of the district shall be limited in making
4 expenditures or incurring liabilities to the amount of such
5 appropriations except that transfers from any appropriation
6 item to another appropriation item within a fund's budget
7 may be made as provided by law. Expenditures made,
8 liabilities incurred, or warrants issued in excess of any of
9 the final budget appropriations for any item, as originally
10 determined or as revised by transfer, shall not be a
11 liability of the district and no money of the district shall
12 ever be used to pay the same."

13 Section 9. Section 75-6717, R.C.M. 1947, is amended to
14 read as follows:

15 "75-6717. Fixing and levying tax levies by board of
16 county commissioners. On the second Monday in August ~~when~~
17 ~~the members of the budget board meet as the board of county~~
18 ~~commissioners for the purpose of fixing tax levies,~~ the
19 county superintendent, ~~as clerk of the budget board,~~ shall
20 place before the board of county commissioners the final
21 adopted budgets ~~budget~~ of ~~all the districts~~ district of the
22 county and any emergency budget adopted by a the district
23 during the previous school fiscal year. It shall be the duty
24 of the board of county commissioners ~~of each county~~ to fix
25 and levy on all the taxable value of all the real and

1 personal property within ~~a~~ the district or ~~the~~ county
 2 whichever ~~is~~ applicable, all district and county taxation
 3 required to finance, within the limitations provided by law,
 4 the final budgets budget and any emergency budgets budget of
 5 ~~all~~ the districts of the county district."

6 Section 10. Section 75-6719, R.C.M. 1947, is amended
 7 to read as follows:

8 "75-6719. Completion, filing and delivery of final
 9 budgets. After the final budget of each the district has
 10 been adopted by the budget board trustees, and the county
 11 commissioners have levied the taxes to support such budgets,
 12 the county superintendent ~~as clerk of the budget board~~
 13 shall complete all the remaining portions of the budget
 14 forms and shall ~~file a copy of the final budgets in the~~
 15 ~~office of the budget board. The county superintendent shall~~
 16 ~~also:~~

17 (1) send the final budget information to the
 18 superintendent of public instruction on the forms provided
 19 by the superintendent, on or before the first day of
 20 September; and

21 (2) deliver a copy of the final budget for each the
 22 district to the county treasurer on or before the first day
 23 of September; and

24 ~~(3) send a copy of each district's final budget to the~~
 25 ~~applicable school district on or before the first day of~~

1 September."

2 Section 11. Section 75-6720, R.C.M. 1947, is amended
 3 to read as follows:

4 "75-6720. Designation ~~of county officials for joint~~
 5 ~~district budgeting~~ Filing final budgets of joint districts.
 6 ~~When all of the schools of the joint district are located in~~
 7 ~~one (1) county, the county superintendent, the budget board,~~
 8 ~~and the county treasurer of the county where the schools of~~
 9 ~~the district are located shall perform the school budgeting~~
 10 ~~duties for such joint districts. When the schools of a joint~~
 11 ~~district are located in more than one (1) county, the~~
 12 ~~superintendent of public instruction shall designate the~~
 13 ~~county officials of one (1) county to perform the school~~
 14 ~~budgeting duties for such joint districts.~~

15 The final budgets of joint districts shall be filed in
 16 the office of the county superintendent of each county in
 17 which a part of a joint district is located after approval
 18 by the trustees of the joint district.

19 Section 12. Section 75-6721, R.C.M. 1947, is amended
 20 to read as follows:

21 "75-6721. Budgeting procedure for joint districts and
 22 establishment of communication procedure. The trustees of a
 23 joint district shall adopt a preliminary budget according to
 24 the school budgeting laws and send a copy of such budget to
 25 the county superintendent of each county in which a part of

1 the joint district is located ~~provided that two copies of~~
 2 ~~the budget shall be sent to the county superintendent who is~~
 3 ~~responsible for the performance of the budget duties.~~ The
 4 county superintendents receiving the budget of a joint
 5 district shall jointly compute the estimated budget revenues
 6 and determine the number of mills which need to be levied in
 7 the joint district for each fund for which a levy is to be
 8 made. The superintendent of public instruction shall
 9 establish a communication procedure to facilitate the joint
 10 estimation of revenues and determination of the tax levies.

11 After determining, in accordance with law, the number
 12 of mills which need be levied for each fund included on the
 13 final budget of the joint district, a joint statement of the
 14 required mill levies shall be prepared and signed by the
 15 county superintendents involved in the computation. A copy
 16 of the statement shall be delivered to the board of county
 17 commissioners of each county in which a part of the joint
 18 district is located not later than the Friday immediately
 19 preceding the second Monday in August."

20 Section 13. Section 75-6727, R.C.M. 1947, is amended
 21 to read as follows:

22 "75-6727. Emergency budget limitation, preparation and
 23 adoption procedures. The meeting of the trustees to consider
 24 and adopt an emergency budget shall be open to the public
 25 and any taxpayer in the district shall have the right to

1 appear and be heard. If at such a meeting a majority of the
 2 trustees present shall find that an emergency exists, the
 3 trustees may make and adopt a preliminary emergency budget
 4 on the regular budget form setting forth fully the facts
 5 constituting the emergency. In adopting the preliminary
 6 emergency budget, the trustees may budget for any fund which
 7 was included on the final budget of the district for the
 8 current school fiscal year. The budget shall be itemized to
 9 show the amount appropriated for each item as required on
 10 the budget form.

11 When the emergency is due to any increase of
 12 enrollment, the maximum amount of the emergency budget for
 13 all funds shall be determined in the following manner:

14 (1) Determine the total amount in the final budget for
 15 the current school fiscal year of all funds affected by the
 16 emergency, less any amounts appropriated as capital outlay
 17 and any amount appropriated for addition to the cash
 18 reserve.

19 (2) Divide the amount determined in subsection (1) by
 20 the number of pupils originally enrolled in such district
 21 during the immediately preceding school fiscal year. The
 22 resulting cost per pupil shall constitute the maximum
 23 permissible per-pupil expenditure in the emergency budget.

24 (3) Determine the enrollment increase of the current
 25 school fiscal year by subtracting the number of pupils

1 originally enrolled during the immediately preceding school
 2 fiscal year from the number of pupils enrolled for the
 3 current school year. The result shall be the enrollment
 4 increase for the current school fiscal year.

5 (4) Multiply the cost per pupil determined in
 6 subsection (2) by the enrollment increase determined in
 7 subsection (3). The result shall be the maximum limitation
 8 on an emergency budget for emergencies due to an increase of
 9 enrollment.

10 In the event of any other type of emergency, the budget
 11 shall be limited by those expenditures deemed by the
 12 trustees to be reasonable and necessary to finance the
 13 stated conditions of the emergency, and the preliminary
 14 emergency budget shall be accompanied with the details of
 15 the proposed expenditures.

16 Whenever the trustees adopt a preliminary emergency
 17 budget for the transportation fund, the trustees shall
 18 attach to such budget a copy of each transportation contract
 19 which is connected with the emergency and which has been
 20 prepared and executed in accordance with the school
 21 transportation contract laws.

22 After the trustees have adopted the preliminary
 23 emergency budget by a majority vote of the trustees, it
 24 shall be signed by the chairman of the trustees and the
 25 clerk of the district and ~~two (2) copies of it shall be sent~~

1 ~~to the county superintendent as clerk of the budget board.~~
 2 ~~The county superintendent shall place such preliminary~~
 3 ~~emergency budget before the budget board at the next regular~~
 4 ~~meeting of the board of county commissioners. The budget~~
 5 ~~board shall consider and adopt the final emergency budget~~
 6 ~~and shall have the power to make any change in the~~
 7 ~~preliminary emergency budget that it may deem necessary and~~
 8 ~~proper. After the budget board has adopted the final~~
 9 ~~emergency budget, the chairman and the clerk of the budget~~
 10 ~~board shall sign such budget copies shall be sent to the~~
 11 ~~county superintendent, the county treasurer, and the~~
 12 ~~superintendent of public instruction.~~"

13 Section 14. Section 75-6728, R.C.M. 1947, is amended
 14 to read as follows:

15 "75-6728. Filing and delivery of adopted emergency
 16 budget. After the emergency budget has been approved by the
 17 ~~budget board trustees,~~ the final emergency budget shall be
 18 filed in the office of the county superintendent ~~as clerk~~
 19 ~~of the budget board,~~ and the county superintendent shall
 20 immediately send a copy of such budget with a notation of
 21 the adoption date ~~and any changes made by the budget board~~
 22 to the ~~applicable district,~~ county treasury, and the
 23 superintendent of public instruction."

24 Section 15. Section 75-6803, R.C.M. 1947, is amended
 25 to read as follows:

1 "75-6803. County officials for financial
2 administration when joint district. When all of the schools
3 of the joint district are located in one (1) county, the
4 school financial administration duties assigned to county
5 officials shall be performed by those officials of the
6 county wherein the schools of the district are located. When
7 the schools of a joint district are located in more than one
8 (1) county, the superintendent of public instruction shall
9 designate the county officials of ~~the same county~~ to perform
10 such duties for the joint district ~~as were designated to~~
11 ~~perform the budgeting duties for the joint district under~~
12 ~~the provisions of section 75-6728.~~

13 The designated county treasurer shall be the custodian
14 of all joint district moneys and shall perform all other
15 duties of the county treasurer for the joint district. The
16 superintendent of public instruction shall disburse all
17 moneys for a joint district to such county treasurer."

18 Section 16. Section 75-7203, R.C.M. 1947, is amended
19 to read as follows:

20 "75-7203. Budgeting, levy requirement and paying
21 elementary tuition. The tuition amount that has been
22 established in ~~section 75-7201~~ shall be paid during the
23 ensuing school fiscal year. The trustees of the elementary
24 district shall include such amount in the tuition fund of
25 the preliminary budget. If the trustees should fail to

1 include such amount or any portion of it in the preliminary
2 budget, ~~the budget board~~ they shall adjust the budgeted
3 amount in adopting the final budget to provide for the total
4 tuition amount that is due during the ensuing school fiscal
5 year. Such adjustment shall not be subject to the budget
6 adjustment provisions of ~~section 75-6714~~.

7 The county superintendent shall report the net tuition
8 fund levy requirement for each elementary district to the
9 county commissioners on the second Monday of August, and a
10 levy on the district shall be made by the county
11 commissioners in accordance with ~~section 75-6717~~. Such levy
12 requirement shall be calculated by subtracting from the
13 total expenditure amount authorized in the final tuition
14 fund budget, the sum of the cash balance in the tuition fund
15 at the end of the immediately preceding school fiscal year
16 plus any other anticipated moneys that may be realized in
17 the tuition fund.

18 The trustees shall pay by warrants drawn on the tuition
19 fund the tuition amounts owed to each district included in
20 the county superintendent's notification provided under the
21 provisions of ~~section 75-7201~~. Such payments shall be made
22 whenever there is a sufficient amount of cash available in
23 the tuition fund, but no later than the end of the school
24 fiscal year for which the budget was adopted."

25 Section 17. Repealer. Sections 75-6703, 75-6715, and

LC 0986/01

1 75-6728, R.C.M. 1947, are repealed.

-End-

Education

On motion, reconsider
adverse committee report.

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INTRODUCED BY Senate BILL NO. 300
Watt Murray

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE COUNTY
BOARDS OF SCHOOL BUDGET SUPERVISORS AND TRANSFER THEIR
DUTIES TO THE BOARDS OF TRUSTEES; AMENDING SECTIONS 75-5707,
75-5806, 75-6106, 75-6513, 75-6709, 75-6713, 75-6714,
75-6716, 75-6717, 75-6719, 75-6720, 75-6721, 75-6727,
75-6728, 75-6803, AND 75-7203, R.C.M. 1947; AND REPEALING
SECTIONS 75-6703, 75-6715, AND 75-6728, R.C.M. 1947."

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

Section 1. Section 75-5707, R.C.M. 1947, is amended to
read as follows:

"75-5707. Powers and duties. The superintendent of
public instruction shall have the general supervision of the
public schools and districts of the state, and he shall have
the power and shall perform the following duties or acts in
implementing and enforcing the provisions of this Title:

- (1) resolve any controversy resulting from the
proration of joint costs by a joint board of trustees under
the provisions of section 75-5929;
- (2) issue, renew or deny teacher certification and
emergency authorizations of employment and give notice of
teacher certification suspension or revocation proceedings

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- to be conducted by the board of education in accordance with
the provisions of the teacher certification chapter of this
Title;
- (3) negotiate reciprocal tuition agreements with other
states in accordance with the provisions of section 75-6318;
- (4) pay the tuition for the residents of the Montana
children's center at Twin Bridges high school in accordance
with the provisions of section 75-6319;
- (5) serve on the teachers' retirement board in
accordance with the provisions of section 75-6203;
- (6) prescribe absentee voting forms and rules in
accordance with the provisions of section 75-6416;
- (7) approve or disapprove the orders of a high school
boundary commission in accordance with the provisions of
section 75-6528;
- (8) approve or disapprove the opening or reopening of
a school in accordance with the provisions of sections
75-6602, 75-6603, 75-6604, or 75-6605;
- (9) approve or disapprove school isolation within the
limitations prescribed by section 75-6608;
- (10) generally supervise the school budgeting
procedures prescribed by law in accordance with the
provisions of section 75-6702, and prescribe the school
budget format in accordance with the provisions of section
75-6704 and 75-7209;

There are no changes in SB 300, & will not be re-run.

Please refer to white copy for complete text.

SECOND READING

SB 300

1 (11) establish a system of communication for
2 calculating joint district revenues in accordance with the
3 provisions of section 75-6721;

4 (12) approve or disapprove the adoption of a district's
5 emergency budget resolution under the conditions prescribed
6 in section 75-6725, and publish rules and regulations for an
7 application for additional state aid for an emergency budget
8 in accordance with the approval and disbursement provisions
9 of section 75-6729;

10 (13) generally supervise the school financial
11 administration provisions as prescribed by section 75-6802;

12 ~~(14) appoint the responsible county officials for the~~
13 ~~performance of the budgeting duties and the financial~~
14 ~~administration duties for a joint district in accordance~~
15 ~~with the provisions of sections 75-6726 and 75-6803;~~

16 ~~(15)(14)~~ prescribe and furnish the annual report forms
17 to enable the districts to report to the county
18 superintendent in accordance with the provisions of
19 subsection (5) of section 75-6806, and the annual report
20 forms to enable the county superintendents to report to the
21 superintendent of public instruction in accordance with the
22 provisions of section 75-5809;

23 ~~(16)(15)~~ approve, disapprove or adjust an increase of
24 the average number belonging (ANB) in accordance with the
25 provisions of sections 75-6903 and 75-6904;

1 ~~(17)(16)~~ distribute state equalization aid in support
2 of the foundation program in accordance with the provisions
3 of sections 75-6908, 75-6918, and 75-6919;

4 ~~(18)(17)~~ estimate the state-wide equalization level for
5 the foundation program in accordance with the provisions of
6 section 75-6920;

7 ~~(19)(18)~~ distribute state impact aid in accordance with
8 the provisions of section 75-6925;

9 ~~(20)(19)~~ provide for the uniform and equal provision of
10 transportation by performing the duties prescribed by the
11 provisions of section 75-7005;

12 ~~(21)(20)~~ approve or disapprove an adult education
13 program for which a district proposes to levy a tax in
14 accordance with the provisions of section 75-7207;

15 ~~(22)(21)~~ request, accept, deposit and expend federal
16 moneys in accordance with the provisions of section 75-7303;

17 ~~(23)(22)~~ authorize the use of federal moneys for the
18 support of an interlocal co-operative agreement in
19 accordance with the provisions of sections 75-7306 and
20 75-7307;

21 ~~(24)(23)~~ prescribe the form and contents of and approve
22 or disapprove interstate contracts in accordance with the
23 provisions of section 75-7308;

24 ~~(25)(24)~~ approve or disapprove the conduct of school on
25 a Saturday or on pupil-instruction-related days in

1 *Senate* BILL NO. *300*
 2 INTRODUCED BY *Watt Murray*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE COUNTY
 5 BOARDS OF SCHOOL BUDGET SUPERVISORS AND TRANSFER THEIR
 6 DUTIES TO THE BOARDS OF TRUSTEES; AMENDING SECTIONS 75-5707,
 7 75-5806, 75-6106, 75-6513, 75-6709, 75-6713, 75-6714,
 8 75-6716, 75-6717, 75-6719, 75-6720, 75-6721, 75-6727,
 9 75-6728, 75-6803, AND 75-7203, R.C.M. 1947; AND REPEALING
 10 SECTIONS 75-6703, 75-6715, AND 75-6728, R.C.M. 1947."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 75-5707, R.C.M. 1947, is amended to
 14 read as follows:

15 *75-5707. Powers and duties. The superintendent of
 16 public instruction shall have the general supervision of the
 17 public schools and districts of the state, and he shall have
 18 the power and shall perform the following duties or acts in
 19 implementing and enforcing the provisions of this Title:

20 (1) resolve any controversy resulting from the
 21 proration of joint costs by a joint board of trustees under
 22 the provisions of section 75-5929;

23 (2) issue, renew or deny teacher certification and
 24 emergency authorizations of employment and give notice of
 25 teacher certification suspension or revocation proceedings

1 to be conducted by the board of education in accordance with
 2 the provisions of the teacher certification chapter of this
 3 Title;

4 (3) negotiate reciprocal tuition agreements with other
 5 states in accordance with the provisions of section 75-6318;

6 (4) pay the tuition for the residents of the Montana
 7 children's center at Twin Bridges high school in accordance
 8 with the provisions of section 75-6319;

9 (5) serve on the teachers' retirement board in
 10 accordance with the provisions of section 75-6203;

11 (6) prescribe absentee voting forms and rules in
 12 accordance with the provisions of section 75-6416;

13 (7) approve or disapprove the orders of a high school
 14 boundary commission in accordance with the provisions of
 15 section 75-6528;

16 (8) approve or disapprove the opening or reopening of
 17 a school in accordance with the provisions of sections
 18 75-6602, 75-6603, 75-6604, or 75-6605;

19 (9) approve or disapprove school isolation within the
 20 limitations prescribed by section 75-6608;

21 (10) generally supervise the school budgeting
 22 procedures prescribed by law in accordance with the
 23 provisions of section 75-6702, and prescribe the school
 24 budget format in accordance with the provisions of section
 25 75-6704 and 75-7209;

There are no changes in *SB300*, and due to length will not
 be rerun. Please refer to yellow copy for complete text.

THIRD READING

SB300

1 (11) establish a system of communication for
2 calculating joint district revenues in accordance with the
3 provisions of section 75-6721;

4 (12) approve or disapprove the adoption of a district's
5 emergency budget resolution under the conditions prescribed
6 in section 75-6725, and publish rules and regulations for an
7 application for additional state aid for an emergency budget
8 in accordance with the approval and disbursement provisions
9 of section 75-6729;

10 (13) generally supervise the school financial
11 administration provisions as prescribed by section 75-6802;

12 ~~(14) appoint the responsible county officials for the~~
13 ~~performance of the budgeting duties and the financial~~
14 ~~administration duties for a joint district in accordance~~
15 ~~with the provisions of sections 75-6728 and 75-6803;~~

16 (15)(14) prescribe and furnish the annual report forms
17 to enable the districts to report to the county
18 superintendent in accordance with the provisions of
19 subsection (5) of section 75-6806, and the annual report
20 forms to enable the county superintendents to report to the
21 superintendent of public instruction in accordance with the
22 provisions of section 75-5809;

23 (16)(15) approve, disapprove or adjust an increase of
24 the average number belonging (ANB) in accordance with the
25 provisions of sections 75-6903 and 75-6904;

1 (17)(16) distribute state equalization aid in support
2 of the foundation program in accordance with the provisions
3 of sections 75-6908, 75-6918, and 75-6919;

4 (18)(17) estimate the state-wide equalization level for
5 the foundation program in accordance with the provisions of
6 section 75-6920;

7 (19)(18) distribute state impact aid in accordance with
8 the provisions of section 75-6925;

9 (20)(19) provide for the uniform and equal provision of
10 transportation by performing the duties prescribed by the
11 provisions of section 75-7005;

12 (21)(20) approve or disapprove an adult education
13 program for which a district proposes to levy a tax in
14 accordance with the provisions of section 75-7207;

15 (22)(21) request, accept, deposit and expend federal
16 moneys in accordance with the provisions of section 75-7303;

17 (23)(22) authorize the use of federal moneys for the
18 support of an interlocal co-operative agreement in
19 accordance with the provisions of sections 75-7306 and
20 75-7307;

21 (24)(23) prescribe the form and contents of and approve
22 or disapprove interstate contracts in accordance with the
23 provisions of section 75-7308;

24 (25)(24) approve or disapprove the conduct of school on
25 a Saturday or on pupil-instruction-related days in

COMMITTEE ON EDUCATION AMENDMENTS TO SENATE BILL 300

Amend the third reading bill as follows:

1. Amend title, line 9.

Following: line 8

Strike: "75-6728,"

2. Amend page 8, section 3, lines 21 and 22.

Following: line 20

Strike: lines 21 and 22 in their entirety.

Insert: "county superintendent of the county in which he is teaching."

3. Amend page 20, section 14, lines 13 through 23.

Following: line 12.

Strike: lines 13 through 23 in their entirety.

Renumber: subsequent sections.

AS AMENDED
BE CONCURRED IN

SENATE BILL NO. 300

INTRODUCED BY WATT, MURRAY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE COUNTY BOARDS OF SCHOOL BUDGET SUPERVISORS AND TRANSFER THEIR DUTIES TO THE BOARDS OF TRUSTEES; AMENDING SECTIONS 75-5707, 75-5806, 75-6106, 75-6513, 75-6709, 75-6713, 75-6714, 75-6716, 75-6717, 75-6719, 75-6720, 75-6721, 75-6727, 75-6728, 75-6803, AND 75-7203, R.C.M. 1947; AND REPEALING SECTIONS 75-6703, 75-6715, AND 75-6728, R.C.M. 1947."

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

Section 1. Section 75-5707, R.C.M. 1947, is amended to read as follows:

"75-5707. Powers and duties. The superintendent of public instruction shall have the general supervision of the public schools and districts of the state, and he shall have the power and shall perform the following duties or acts in implementing and enforcing the provisions of this Title:

(1) resolve any controversy resulting from the proration of joint costs by a joint board of trustees under the provisions of section 75-5929;

(2) issue, renew or deny teacher certification and emergency authorizations of employment and give notice of teacher certification suspension or revocation proceedings

to be conducted by the board of education in accordance with the provisions of the teacher certification chapter of this Title;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of section 75-6318;

(4) pay the tuition for the residents of the Montana children's center at Twin Bridges high school in accordance with the provisions of section 75-6319;

(5) serve on the teachers' retirement board in accordance with the provisions of section 75-6203;

(6) prescribe absentee voting forms and rules in accordance with the provisions of section 75-6416;

(7) approve or disapprove the orders of a high school boundary commission in accordance with the provisions of section 75-6528;

(8) approve or disapprove the opening or reopening of a school in accordance with the provisions of sections 75-6602, 75-6603, 75-6604, or 75-6605;

(9) approve or disapprove school isolation within the limitations prescribed by section 75-6608;

(10) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of section 75-6702, and prescribe the school budget format in accordance with the provisions of section 75-6704 and 75-7209;

REFERENCE BILL

1 (11) establish a system of communication for
2 calculating joint district revenues in accordance with the
3 provisions of section 75-6721;

4 (12) approve or disapprove the adoption of a district's
5 emergency budget resolution under the conditions prescribed
6 in section 75-6725, and publish rules and regulations for an
7 application for additional state aid for an emergency budget
8 in accordance with the approval and disbursement provisions
9 of section 75-6729;

10 (13) generally supervise the school financial
11 administration provisions as prescribed by section 75-6802;

12 ~~(14) appoint the responsible county officials for the~~
13 ~~performance of the budgeting duties and the financial~~
14 ~~administration duties for a joint district in accordance~~
15 ~~with the provisions of sections 75-6720 and 75-6803;~~

16 ~~(15)~~(14) prescribe and furnish the annual report forms
17 to enable the districts to report to the county
18 superintendent in accordance with the provisions of
19 subsection (5) of section 75-6806, and the annual report
20 forms to enable the county superintendents to report to the
21 superintendent of public instruction in accordance with the
22 provisions of section 75-5809;

23 ~~(16)~~(15) approve, disapprove or adjust an increase of
24 the average number belonging (ANB) in accordance with the
25 provisions of sections 75-6903 and 75-6904;

1 ~~(17)~~(16) distribute state equalization aid in support
2 of the foundation program in accordance with the provisions
3 of sections 75-6908, 75-6918, and 75-6919;

4 ~~(18)~~(17) estimate the state-wide equalization level for
5 the foundation program in accordance with the provisions of
6 section 75-6920;

7 ~~(19)~~(18) distribute state impact aid in accordance with
8 the provisions of section 75-6925;

9 ~~(20)~~(19) provide for the uniform and equal provision of
10 transportation by performing the duties prescribed by the
11 provisions of section 75-7005;

12 ~~(21)~~(20) approve or disapprove an adult education
13 program for which a district proposes to levy a tax in
14 accordance with the provisions of section 75-7207;

15 ~~(22)~~(21) request, accept, deposit and expend federal
16 moneys in accordance with the provisions of section 75-7303;

17 ~~(23)~~(22) authorize the use of federal moneys for the
18 support of an interlocal co-operative agreement in
19 accordance with the provisions of sections 75-7306 and
20 75-7307;

21 ~~(24)~~(23) prescribe the form and contents of and approve
22 or disapprove interstate contracts in accordance with the
23 provisions of section 75-7308;

24 ~~(25)~~(24) approve or disapprove the conduct of school on
25 a Saturday or on pupil-instruction-related days in

1 accordance with the provisions of sections 75-7404 and
2 75-7405;

3 ~~(26)~~(25) recommend standards of accreditation for all
4 schools to the board of education, and evaluate compliance
5 with such standards and recommend accreditation status of
6 every school to the board of education in accordance with
7 the provisions of sections 75-7501 and 75-7502;

8 ~~(27)~~(26) collect and maintain a file of curriculum
9 guides and assist schools with instructional programs in
10 accordance with the provisions of sections 75-7505 and
11 75-7506;

12 ~~(28)~~(27) recommend the scope of conservation education
13 in the schools to the board of education in accordance with
14 the provisions of section 75-7509;

15 ~~(29)~~(28) establish and maintain a library of visual,
16 aural, and other educational media in accordance with the
17 provisions of section 75-7511;

18 ~~(30)~~(29) license textbook dealers, maintain a textbook
19 library, initiate prosecution of textbook dealers violating
20 the law, and supply a textbook listing in accordance with
21 the provisions of the textbooks chapter of this Title;

22 ~~(31)~~(30) administer and perform the duties as the
23 executive officer of the board of education for vocational
24 education in accordance with the provisions of section
25 75-7703;

1 ~~(32)~~(31) consider applications for the designation of a
2 post-secondary vocational-technical center in accordance
3 with the provisions of section 75-7707;

4 ~~(33)~~(32) establish a fund for the handling of
5 post-secondary vocational-technical center fees in
6 accordance with the provisions of section 75-7714;

7 ~~(34)~~(33) supervise and co-ordinate the conduct of
8 special education in the state in accordance with the
9 provisions of section 75-7803;

10 ~~(35)~~(34) administer the traffic education program in
11 accordance with the provisions of section 75-7904;

12 ~~(36)~~(35) administer the school food services program in
13 accordance with the provisions of sections 75-8002, 75-8003,
14 and 75-8004;

15 ~~(37)~~(36) determine the result of an organization
16 election for a community college district and the related
17 election of trustees in accordance with the provisions of
18 section 75-8112;

19 ~~(38)~~(37) review school building plans and
20 specifications in accordance with the provisions of section
21 75-8206;

22 ~~(39)~~(38) publish and distribute fire danger books in
23 accordance with the provisions of section 75-8309;

24 ~~(40)~~(39) prescribe the method of identification and
25 signals to be used by school safety patrols in accordance

1 with the provisions of section 75-8310; and
 2 ~~(4)(40)~~ perform any other duty prescribed from time to
 3 time by this Title, any other act of the legislature, or the
 4 policies of the board of education."

5 Section 2. Section 75-5806, R.C.M. 1947, is amended to
 6 read as follows:

7 "75-5806. Additional positions. In his capacity as
 8 county superintendent, he also shall serve as:

9 ~~(1) the county superintendent for a joint district~~
 10 ~~under the conditions prescribed by sections 75-6720,~~
 11 ~~75-6803, and 75-6106;~~

12 ~~(2) the clerk of the board of school budget~~
 13 ~~supervisors, as prescribed by section 75-6703;~~

14 ~~(3)(1)~~ the chairman of the county transportation
 15 committee, as prescribed by section 75-7014;

16 ~~(4)(2)~~ a member of the high school boundary commission
 17 of the county, as prescribed by section 75-6521;

18 ~~(5)(3)~~ an attendance officer for a district under the
 19 conditions prescribed by section 75-6305; and

20 ~~(6)(4)~~ the clerk of a joint board of trustees under
 21 the conditions prescribed by section 75-5928."

22 Section 3. Section 75-6106, R.C.M. 1947, is amended to
 23 read as follows:

24 "75-6106. Teacher certification registration. Any
 25 person employed as a teacher, principal, or district

1 superintendent shall register his certificate or the
 2 district shall register its emergency authorization of
 3 employment for a teacher with the county superintendent of
 4 the county wherein he is employed in order to validate his
 5 employment status and permit payment under his employment
 6 contract. If a teacher does not register his certificate
 7 with the county superintendent within sixty (60) calendar
 8 days after the teacher begins to perform his services, he
 9 shall not be eligible to receive any further compensation
 10 under his contract of employment until he has registered his
 11 certificate. After the schools of a district have been open
 12 for sixty (60) calendar days in the current school fiscal
 13 year, the county superintendent shall notify each district
 14 of the county of each teacher who has registered his current
 15 valid certificate, and the district shall not pay any
 16 teacher who has not registered his certificate until the
 17 county superintendent does notify the district of such
 18 registration.

19 A teacher employed by a joint district shall register
 20 his certificate with the ~~county superintendent of the county~~
 21 ~~boards of trustees performing the budgeting functions for~~
 22 ~~the joint district, as defined in section 75-6720, COUNTY~~
 23 SUPERINTENDENT OF THE COUNTY IN WHICH HE IS TEACHING."

24 Section 4. Section 75-6513, R.C.M. 1947, is amended to
 25 read as follows:

1 "75-6513. Joint elementary district abandonment. Any
 2 joint elementary district shall be abandoned for the reasons
 3 prescribed in section 75-6512 or when the taxable value of
 4 the taxable property of the portion of the joint district
 5 that is located within any one of the counties is of so
 6 little value that the continued inclusion of such portion in
 7 the joint district is not justified. The county
 8 superintendent boards of trustees designated by section
 9 75-6720 for school budgeting purposes shall be responsible
 10 for ordering the abandonment of the joint district and shall
 11 immediately send a copy of such order to the county
 12 superintendent of each county with territory in the joint
 13 district.

14 After the issuance or receipt of the abandonment order,
 15 each county superintendent shall attach the territory within
 16 his county to a contiguous elementary district within his
 17 county; except when the district is abandoned because of the
 18 lack of taxable property in one county's territory of the
 19 district and a school is operated in another county's
 20 territory of the district which territory has a taxable
 21 value of seventy-five thousand dollars (\$75,000) or more,
 22 the county superintendent of the county where such territory
 23 is located shall not attach it to another district. Such
 24 territory shall continue to operate as an elementary
 25 district within the county.

1 Any abandonment of a joint elementary district shall
 2 become effective on the date of the abandonment order except
 3 that district abandonments under the provisions of
 4 subsection (1) of section 75-6512 shall become effective on
 5 the first day of July."

6 Section 5. Section 75-6709, R.C.M. 1947, is amended to
 7 read as follows:

8 "75-6709. Notice of preliminary budget filing and
 9 final budget meeting. Between the tenth and twentieth days
 10 of July of each year, the county ~~superintendent~~ clerk of
 11 each district shall publish notice one ~~ft~~ time in the
 12 official newspaper of the county stating that the
 13 preliminary ~~budgets~~ budget for ~~all districts in the county~~
 14 the district for the school fiscal year just beginning, as
 15 prepared and adopted by the ~~respective trustees, are~~ is on
 16 file in his office and ~~that such budgets are~~ open to
 17 inspection of by all taxpayers. The notice shall also state
 18 that the ~~board of school budget supervisors of the county~~
 19 trustees will meet at 10 a.m. on the fourth Monday in July
 20 for the purpose of considering and adopting the final budget
 21 of each the district, that the meeting of ~~such budget board~~
 22 the trustees may be continued from day to day until the
 23 final adoption of ~~all the districts' budgets~~ district's
 24 budget, and that any taxpayer in ~~a~~ the district may appear
 25 at such ~~budget board~~ meeting and be heard for or against any

1 part of the budget of his district."

2 Section 6. Section 75-6713, R.C.M. 1947, is amended to
3 read as follows:

4 "75-6713. Final budget meeting. On the fourth Monday
5 in July, at the hour of 10 a.m., the ~~budget board of each~~
6 county trustees of each district shall meet ~~in the office~~
7 ~~of the county superintendent. The county superintendent as~~
8 ~~clerk of the budget board shall place before the budget~~
9 ~~board all of the district~~ to consider the preliminary
10 budgets budget submitted to or prepared by the county
11 superintendent, including all information and any
12 attachments required by law. ~~The budget board shall examine~~
13 ~~and consider the budgets.~~

14 The ~~budget board~~ trustees may continue ~~its the~~ meeting
15 from day to day but shall adopt the final budget for each
16 ~~the~~ district and determine the amounts to be raised by tax
17 levies for each ~~the~~ district not later than the second
18 Monday in August and before the fixing of the tax levies for
19 each district. Any taxpayer in any ~~the~~ district may attend
20 any portion of the ~~budget board's trustees'~~ meeting and be
21 heard on the budget of such district or on any item or
22 amount contained in such budget."

23 Section 7. Section 75-6714, R.C.M. 1947, is amended to
24 read as follows:

25 "75-6714. Final budget adjustment procedures. At the

1 final budget meeting of the ~~budget board the budget board~~
2 trustees, they shall have the power to make any changes or
3 corrections ~~it they~~ may deem necessary or proper in any item
4 or amount of the preliminary budget either by eliminating
5 the item or amount, or by increasing or reducing the amount
6 of any item. When it appears to the ~~budget board~~ trustees
7 that the amount proposed to be expended for any item of the
8 preliminary budget is in excess of the amount actually
9 required to be expended for such item, the ~~budget board~~
10 trustees shall reduce such amount to the amount actually
11 required to be expended and shall enter in its minutes the
12 reasons for such reduction ~~and shall immediately send a copy~~
13 ~~of such entry in the minutes to the chairman of the trustees~~
14 ~~of the applicable district.~~

15 ~~Whenever the budget board adjusts a district's budget~~
16 ~~by any amount or eliminates any item, the budget board shall~~
17 ~~not take final action on such budget and shall afford the~~
18 ~~trustees of such district an opportunity to be heard on the~~
19 ~~budget by calling a hearing to be held on the first Monday~~
20 ~~in August. At such hearing, the budget board shall invoke~~
21 ~~the applicable school budget adjustment procedure to~~
22 ~~determine the amount adopted in the final budget. The school~~
23 ~~budget adjustment procedure shall be:~~

24 (1) ~~ELEMENTARY~~

25 ~~if, at such hearing, the trustees and the budget board~~

1 ~~are unable to agree on the amount or need for any item of an~~
 2 ~~elementary district budget, the majority vote of all members~~
 3 ~~of the elementary district board of trustees shall finally~~
 4 ~~fix and determine such amount or item and this amount or~~
 5 ~~item shall not be changed by the budget boards.~~

6 (2) ~~HIGH SCHOOL~~

7 ~~At the hearing on the high school district budget, the~~
 8 ~~chairman of the budget board or a member of that board~~
 9 ~~appointed by him, the chairman of the board of trustees of~~
 10 ~~the high school district or a member of that board appointed~~
 11 ~~by him, and the county superintendent shall constitute a~~
 12 ~~board of review. This board of review shall have the power~~
 13 ~~and it shall be its duty to consider each amount or item~~
 14 ~~adjusted by the budget board and to fix and determine such~~
 15 ~~amount or item for the final budget. Such amount or item~~
 16 ~~shall not be subject to further review."~~

17 Section 8. Section 75-6716, R.C.M. 1947, is amended to
 18 read as follows:

19 "75-6716. Adoption and expenditure limitations of
 20 final budget. When the ~~budget board has~~ trustees have caused
 21 the amount of an item of the budget for a ~~the~~ district to be
 22 determined and set, it shall enter the amount in the portion
 23 of the budget form provided for the reporting of the final
 24 budget and upon completion of all the items, the chairman
 25 and clerk ~~of the budget board~~ shall sign the budget form.

1 The resulting budget shall constitute the final budget and
 2 the appropriations for the district for the current school
 3 fiscal year. The board of trustees and all officers and
 4 employees of the district shall be limited in making
 5 expenditures or incurring liabilities to the amount of such
 6 appropriations except that transfers from any appropriation
 7 item to another appropriation item within a fund's budget
 8 may be made as provided by law. Expenditures made,
 9 liabilities incurred, or warrants issued in excess of any of
 10 the final budget appropriations for any item, as originally
 11 determined or as revised by transfer, shall not be a
 12 liability of the district and no money of the district shall
 13 ever be used to pay the same."

14 Section 9. Section 75-6717, R.C.M. 1947, is amended to
 15 read as follows:

16 "75-6717. Fixing and levying tax levies by board of
 17 county commissioners. On the second Monday in August when
 18 ~~the members of the budget board meet as the board of county~~
 19 ~~commissioners for the purpose of fixing tax levies, the~~
 20 county superintendent ~~as clerk of the budget board,~~ shall
 21 place before the board of county commissioners the final
 22 adopted ~~budgets~~ budget of ~~all the districts~~ district of ~~the~~
 23 county and any emergency budget adopted by a ~~the~~ district
 24 during the previous school fiscal year. It shall be the duty
 25 of the board of county commissioners of each county to fix

1 and levy on all the taxable value of all the real and
 2 personal property within ~~a~~ the district ~~or--the--county,~~
 3 ~~whichever--is--applicable,~~ all district and county taxation
 4 required to finance, within the limitations provided by law,
 5 the final budgets budget and any emergency budgets budget of
 6 ~~all the districts of the county district."~~

7 Section 10. Section 75-6719, R.C.M. 1947, is amended
 8 to read as follows:

9 "75-6719. Completion, filing and delivery of final
 10 budgets. After the final budget of each the district has
 11 been adopted by the ~~budget board trustees,~~ and the county
 12 ~~commissioners have levied the taxes to support such budgets,~~
 13 the county superintendent, ~~as clerk of the budget board,~~
 14 shall complete all the remaining portions of the budget
 15 forms and shall ~~file a copy of the final budgets in the~~
 16 ~~office of the budget board. The county superintendent shall~~
 17 ~~also:~~

18 (1) send the final budget information to the
 19 superintendent of public instruction on the forms provided
 20 by the superintendent, on or before the first day of
 21 September; and

22 (2) deliver a copy of the final budget for each the
 23 district to the county treasurer on or before the first day
 24 of September; and

25 ~~(3) send a copy of each district's final budget to the~~

1 ~~applicable school district on or before the first day of~~
 2 ~~September."~~

3 Section 11. Section 75-6720, R.C.M. 1947, is amended
 4 to read as follows:

5 "75-6720. Designation ~~of county officials for joint~~
 6 district budgeting Filing final budgets of joint districts.
 7 ~~When all of the schools of the joint district are located in~~
 8 ~~one (1) county, the county superintendent, the budget board,~~
 9 ~~and the county treasurer of the county where the schools of~~
 10 ~~the district are located shall perform the school budgeting~~
 11 ~~duties for such joint districts. When the schools of a joint~~
 12 ~~district are located in more than one (1) county, the~~
 13 ~~superintendent of public instruction shall designate the~~
 14 ~~county officials of one (1) county to perform the school~~
 15 ~~budgeting duties for such joint districts.~~

16 The final budgets of joint districts shall be filed in
 17 the office of the county superintendent of each county in
 18 which a part of a joint district is located after approval
 19 by the trustees of the joint district."

20 Section 12. Section 75-6721, R.C.M. 1947, is amended
 21 to read as follows:

22 "75-6721. Budgeting procedure for joint districts and
 23 establishment of communication procedure. The trustees of a
 24 joint district shall adopt a preliminary budget according to
 25 the school budgeting laws and send a copy of such budget to

1 the county superintendent of each county in which a part of
 2 the joint district is located; ~~provided that two copies of~~
 3 ~~the budget shall be sent to the county superintendent who is~~
 4 ~~responsible for the performance of the budget duties.~~ The
 5 county superintendents receiving the budget of a joint
 6 district shall jointly compute the estimated budget revenues
 7 and determine the number of mills which need to be levied in
 8 the joint district for each fund for which a levy is to be
 9 made. The superintendent of public instruction shall
 10 establish a communication procedure to facilitate the joint
 11 estimation of revenues and determination of the tax levies.

12 After determining, in accordance with law, the number
 13 of mills which need be levied for each fund included on the
 14 final budget of the joint district, a joint statement of the
 15 required mill levies shall be prepared and signed by the
 16 county superintendents involved in the computation. A copy
 17 of the statement shall be delivered to the board of county
 18 commissioners of each county in which a part of the joint
 19 district is located not later than the Friday immediately
 20 preceding the second Monday in August."

21 Section 13. Section 75-6727, R.C.M. 1947, is amended
 22 to read as follows:

23 "75-6727. Emergency budget limitation, preparation and
 24 adoption procedures. The meeting of the trustees to consider
 25 and adopt an emergency budget shall be open to the public

1 and any taxpayer in the district shall have the right to
 2 appear and be heard. If at such a meeting a majority of the
 3 trustees present shall find that an emergency exists, the
 4 trustees may make and adopt a preliminary emergency budget
 5 on the regular budget form setting forth fully the facts
 6 constituting the emergency. In adopting the preliminary
 7 emergency budget, the trustees may budget for any fund which
 8 was included on the final budget of the district for the
 9 current school fiscal year. The budget shall be itemized to
 10 show the amount appropriated for each item as required on
 11 the budget form.

12 When the emergency is due to any increase of
 13 enrollment, the maximum amount of the emergency budget for
 14 all funds shall be determined in the following manner:

15 (1) Determine the total amount in the final budget for
 16 the current school fiscal year of all funds affected by the
 17 emergency, less any amounts appropriated as capital outlay
 18 and any amount appropriated for addition to the cash
 19 reserve.

20 (2) Divide the amount determined in subsection (1) by
 21 the number of pupils originally enrolled in such district
 22 during the immediately preceding school fiscal year. The
 23 resulting cost per pupil shall constitute the maximum
 24 permissible per-pupil expenditure in the emergency budget.

25 (3) Determine the enrollment increase of the current

1 school fiscal year by subtracting the number of pupils
 2 originally enrolled during the immediately preceding school
 3 fiscal year from the number of pupils enrolled for the
 4 current school year. The result shall be the enrollment
 5 increase for the current school fiscal year.

6 (4) Multiply the cost per pupil determined in
 7 subsection (2) by the enrollment increase determined in
 8 subsection (3). The result shall be the maximum limitation
 9 on an emergency budget for emergencies due to an increase of
 10 enrollment.

11 In the event of any other type of emergency, the budget
 12 shall be limited by those expenditures deemed by the
 13 trustees to be reasonable and necessary to finance the
 14 stated conditions of the emergency, and the preliminary
 15 emergency budget shall be accompanied with the details of
 16 the proposed expenditures.

17 Whenever the trustees adopt a preliminary emergency
 18 budget for the transportation fund, the trustees shall
 19 attach to such budget a copy of each transportation contract
 20 which is connected with the emergency and which has been
 21 prepared and executed in accordance with the school
 22 transportation contract laws.

23 After the trustees have adopted the preliminary
 24 emergency budget by a majority vote of the trustees, it
 25 shall be signed by the chairman of the trustees and the

1 clerk of the district and ~~two (2) copies of it shall be sent~~
 2 ~~to the county superintendent as clerk of the budget board.~~
 3 ~~The county superintendent shall place such preliminary~~
 4 ~~emergency budget before the budget board at the next regular~~
 5 ~~meeting of the board of county commissioners. The budget~~
 6 ~~board shall consider and adopt the final emergency budget~~
 7 ~~and shall have the power to make any change in the~~
 8 ~~preliminary emergency budget that it may deem necessary and~~
 9 ~~proper. After the budget board has adopted the final~~
 10 ~~emergency budget, the chairman and the clerk of the budget~~
 11 ~~board shall sign such budget copies shall be sent to the~~
 12 ~~county superintendent, the county treasurer, and the~~
 13 ~~superintendent of public instruction.~~"

14 Section 14. Section 75-6728, R.C.M. 1947, is amended
 15 to read as follows:

16 "75-6728. Filing and delivery of adopted emergency
 17 budgets. After the emergency budget has been approved by the
 18 budget board ~~trustees~~, the final emergency budget shall be
 19 filed in the office of the county superintendent as clerk
 20 of the budget board, and the county superintendent shall
 21 immediately send a copy of such budget with a notation of
 22 the adoption date and any changes made by the budget board
 23 to the applicable district, county treasurer, and the
 24 superintendent of public instruction."

25 Section 14. Section 75-6803, R.C.M. 1947, is amended

1 to read as follows:

2 "75-6803. County officials for financial
3 administration when joint district. When all of the schools
4 of the joint district are located in one (1) county, the
5 school financial administration duties assigned to county
6 officials shall be performed by those officials of the
7 county wherein the schools of the district are located. When
8 the schools of a joint district are located in more than one
9 (1) county, the superintendent of public instruction shall
10 designate the county officials ~~of the same county~~ to perform
11 such duties for the joint district ~~as were designated to~~
12 ~~perform the budgeting duties for the joint district under~~
13 ~~the provisions of section 75-6728.~~

14 The designated county treasurer shall be the custodian
15 of all joint district moneys and shall perform all other
16 duties of the county treasurer for the joint district. The
17 superintendent of public instruction shall disburse all
18 moneys for a joint district to such county treasurer."

19 Section 15. Section 75-7203, R.C.M. 1947, is amended
20 to read as follows:

21 "75-7203. Budgeting, levy requirement and paying
22 elementary tuition. The tuition amount that has been
23 established in section 75-7201 shall be paid during the
24 ensuing school fiscal year. The trustees of the elementary
25 district shall include such amount in the tuition fund of

1 the preliminary budget. If the trustees should fail to
2 include such amount or any portion of it in the preliminary
3 budget, ~~the budget board~~ they shall adjust the budgeted
4 amount in adopting the final budget to provide for the total
5 tuition amount that is due during the ensuing school fiscal
6 year. Such adjustment shall not be subject to the budget
7 adjustment provisions of section 75-6714.

8 The county superintendent shall report the net tuition
9 fund levy requirement for each elementary district to the
10 county commissioners on the second Monday of August, and a
11 levy on the district shall be made by the county
12 commissioners in accordance with section 75-6717. Such levy
13 requirement shall be calculated by subtracting from the
14 total expenditure amount authorized in the final tuition
15 fund budget, the sum of the cash balance in the tuition fund
16 at the end of the immediately preceding school fiscal year
17 plus any other anticipated moneys that may be realized in
18 the tuition fund.

19 The trustees shall pay by warrants drawn on the tuition
20 fund the tuition amounts owed to each district included in
21 the county superintendent's notification provided under the
22 provisions of section 75-7201. Such payments shall be made
23 whenever there is a sufficient amount of cash available in
24 the tuition fund, but no later than the end of the school
25 fiscal year for which the budget was adopted."

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1 Section 16. Repealer. Sections 75-6703, 75-6715, and
2 75-6728, R.C.M. 1947, are repealed.

-End-