

CHAPTER NO. 401.

SENATE BILL NO. 273

INTRODUCED BY McCALLUM

IN THE SENATE

January 27, 1979	Introduced and referred to Committee on Education.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted.
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 17, 1979	On motion taken from Committee on Bills and Journal and referred to second reading.
February 19, 1979	Second reading, do pass as amended.
February 21, 1979	Correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on Education and Cultural Resources.
March 9, 1979	Committee recommend bill be concurred in. Report adopted.
March 13, 1979	Second reading, concurred in.
March 14, 1979	On motion, returned to second reading.

March 15, 1979	Second reading, concurred in as amended.
March 19, 1979	On motion taken from third reading and referred to second reading. Second reading, concurred in as amended.
March 22, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 23, 1979	Returned from second house. Concurred in as amended.
March 24, 1979	Second reading, pass consideration.
March 26, 1979	Second reading, amendments adopted.
March 27, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 *Sen. Sullivan* BILL NO. *273*
 2 INTRODUCED BY *McBallin*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
 5 PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
 6 A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
 7 SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
 8 20-5-313 AND 20-9-334, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 20-5-311, MCA, is amended to read:
 12 "20-5-311. High school tuition. (1) Any child may be
 13 enrolled in and attend a high school outside of the county
 14 high school district in which he resides when such high
 15 school is located in ~~any county of the state of~~ Montana or
 16 in a county of another state that is adjacent to the state
 17 of Montana. When a parent or guardian of a child wishes to
 18 have his child attend a school under the provisions of this
 19 section, he shall apply to the county superintendent of the
 20 county of his residence before July 1 of the school fiscal
 21 year for which he seeks approval except in those cases when
 22 substantial changes in circumstances occurred subsequently
 23 to justify later application. Such application shall be made
 24 on a tuition agreement form supplied by the county
 25 superintendent and shall be approved by the trustees of the

1 district where the child wishes to attend school and the
 2 county superintendent of the child's county of residence
 3 before permission to enroll in and attend a school outside
 4 of the county district under the provisions of this section
 5 shall be granted.

6 (2) The county superintendent shall approve a tuition
 7 application when a child lives closer to a high school of
 8 another county district than any high school located within
 9 his resident county district or when, due to road or
 10 geographic conditions, it is impractical to attend ~~the~~
 11 high school in nearest his resident-county residence. In
 12 approving such a tuition application the county
 13 superintendent is not required to approve a tuition
 14 application for a student seeking to attend a high school
 15 outside the state of Montana if the resident district
 16 provides transportation. In approving a tuition agreement
 17 under this provision, the county superintendent may require
 18 the child to attend the high school closest to his
 19 residence. The county superintendent may approve any other
 20 tuition application that satisfies the geographic
 21 requirements of this section.

22 (3) The trustees of the district where the child
 23 wishes to attend school shall approve or disapprove any
 24 tuition application submitted to them under the provisions
 25 of this section within 15 days after the receipt of the

1 application.

2 (4) The county superintendent shall notify the parent
3 or guardian and the trustees of the district where the child
4 wishes to attend school of the tuition agreement approval or
5 disapproval. If a tuition agreement is disapproved by the
6 county superintendent, the parent may appeal such
7 disapproval to the county superintendent for his
8 reconsideration and, subsequently, to the superintendent of
9 public instruction under the provision for the appeal of
10 controversies in this title. The approval of any tuition
11 agreement by the approval agents or upon appeal shall
12 authorize the child named in such agreement to enroll in and
13 attend the school named in such agreement for the ensuing
14 school fiscal year."

15 Section 2. Section 20-5-312, MCA, is amended to read:

16 "20-5-312. Reporting, budgeting, and payment for high
17 school tuition. (1) At the close of the school term of each
18 school fiscal year, the trustees of each high school
19 district shall determine the rate of tuition for the current
20 school fiscal year by:

21 (a) totaling the actual expenditures from the district
22 general fund, retirement fund, and debt service fund;

23 (b) dividing the amount determined in subsection
24 (1)(a) above by the ANB of the district for the current
25 fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
3 allowed by 20-9-316 through 20-9-321 that represents the
4 foundation program as prescribed by 20-9-303 plus the
5 per-ANB amount determined by dividing the state financing of
6 the district permissive levy by the ANB of the district,
7 from the amount determined in subsection (1)(b) above.

8 (2) Before July 15, the trustees shall report to the
9 county superintendent of the county in which the district is
10 located:

11 (a) the names, addresses, and resident countries
12 districts of the pupils attending the schools of the
13 district under an approved tuition agreement;

14 (b) the number of days of school attended by each
15 pupil;

16 (c) the amount, if any, of each pupil's tuition
17 payment that the trustees, in their discretion, shall have
18 the authority to waive; and

19 (d) the rate of current school fiscal year tuition, as
20 determined under the provisions of this section.

21 (3) When the county superintendent receives a tuition
22 report from a district, he shall immediately send the
23 reported information to the county superintendent of each
24 county district in which the reported pupils reside.

25 (4) When the county district superintendent of any

1 county receives a tuition report or reports for high school
 2 pupils residing in his county district and attending an
 3 ~~out-of-county out-of-district~~ high school under approved
 4 tuition agreements, he shall determine the total amount of
 5 tuition due such ~~out-of-county out-of-district~~ high schools
 6 on the basis of the following per-pupil schedule: the rate
 7 of tuition, number of pupils attending under an approved
 8 tuition agreement, and other information provided by each
 9 high school district where resident county district pupils
 10 have attended school.

11 ~~(5) The total amount of the high school tuition with~~
 12 ~~consideration of any tuition waivers shall be financed by~~
 13 ~~the county basic special tax for high schools as provided in~~
 14 ~~29-9-334.~~

15 ~~(6) In December, the county superintendent shall cause~~
 16 ~~the payment by county warrant of the high school tuition~~
 17 ~~obligations established under this section out of the first~~
 18 ~~monies realized from the county basic special tax for high~~
 19 ~~schools. The payment shall be made to the county treasurer~~
 20 ~~of the county where each high school entitled to tuition is~~
 21 ~~located. The county treasurer shall credit such tuition~~
 22 ~~receipts to the general fund of the applicable high school~~
 23 ~~district, and the tuition receipts shall be used in~~
 24 ~~accordance with the provisions of 29-9-141."~~

25 Section 3. Section 20-5-313, MCA, is amended to read:

1 "20-5-313. Individual tuition for high school pupil.

2 (1) Any child eligible to attend high school may attend
 3 school in ~~any the~~ high school district ~~of his county of~~
 4 ~~residence in which he resides~~ without payment of tuition.

5 (2) No provision of this title shall be construed to
 6 deny a parent the right to send his child, at his own
 7 expense, to any high school outside of his county district
 8 of residence when the parent agrees to pay the tuition
 9 acceptable to the trustees of the high school district
 10 operating such high school. When the attendance is approved,
 11 the parent shall pay tuition at the rate fixed by the
 12 trustees."

13 NEW SECTION. Section 4. Budgeting, levy requirement,
 14 and paying high school tuition. (1) The tuition amount
 15 established in 20-5-312 must be paid during the ensuing
 16 school fiscal year. The trustees of the high school district
 17 shall include the tuition amount in the tuition fund of the
 18 preliminary and final budgets. This budgeted tuition amount
 19 is not subject to the budget adjustment provisions of
 20 20-9-132.

21 (2) The county superintendent shall report the net
 22 tuition fund levy requirement for each high school district
 23 to the county commissioners on the second Monday of August,
 24 and a levy on the district shall be made by the county
 25 commissioners in accordance with 20-9-142. This levy

1 requirement shall be calculated by subtracting from the
 2 total expenditure amount authorized in the final tuition
 3 fund budget the sum of the cash balance in the tuition fund
 4 at the end of the immediately preceding school fiscal year
 5 plus any other anticipated money that may be realized in the
 6 tuition funds.

7 (3) The trustees shall pay by warrants drawn on the
 8 tuition fund the tuition amounts owed to each district
 9 included in the county superintendent's notification under
 10 the provisions of 20-5-312. Payments shall be made whenever
 11 there is a sufficient amount of cash available in the
 12 tuition fund but no later than the end of the school fiscal
 13 year for which the budget is adopted.

14 Section 5. Section 20-9-334, MCA, is amended to read:

15 "20-9-334. Apportionment of county equalization moneys
 16 by county superintendent. The county superintendent shall
 17 separately apportion the revenues deposited in the basic
 18 county tax account and the revenues deposited in the basic
 19 special tax for high schools account to the several
 20 districts of the county on a quarterly basis. The
 21 apportionments shall be known as "county equalization
 22 moneys". Before the county superintendent makes the
 23 quarterly apportionments, he shall:

24 ~~{1}~~ deduct from the revenues available in the basic
 25 county tax account the amount required for the quarter to

1 pay the county's obligation for elementary transportation
 2 reimbursements; and

3 ~~{2}~~ deduct from the revenues available in the basic
 4 special tax for high schools account the amount required for
 5 the quarter to pay the county's obligation for high school
 6 out-of-county tuitions"

-End-

Approved by Committee
on Education

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20 county of his residence before July 1 of the school fiscal
21 year for which he seeks approval except in those cases when
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24 on a tuition agreement form supplied by the county
25 superintendent and shall be approved by the trustees of the

1 district where the child wishes to attend school and the
2 county superintendent of the child's county of residence
3 before permission to enroll in and attend a school outside
4 of the county ~~district~~ under the provisions of this section
5 shall be granted.

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7 application when a child lives closer to a high school of
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19 residence. The county superintendent may approve any other
20 tuition application that satisfies the geographic
21 requirements of this section.

22 (3) The trustees of the district where the child
23 wishes to attend school shall approve or disapprove any
24 tuition application submitted to them under the provisions
25 of this section within 15 days after the receipt of the

1 application.

2 (4) The county superintendent shall notify the parent
 3 or guardian and the trustees of the district where the child
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 5 disapproval. If a tuition agreement is disapproved by the
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 8 reconsideration and, subsequently, to the superintendent of
 9 public instruction under the provision for the appeal of
 10 controversies in this title. The approval of any tuition
 11 agreement by the approval agents or upon appeal shall
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15 Section 2. Section 20-5-312, MCA, is amended to read:

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 17 school tuition. (1) At the close of the school term of each
 18 school fiscal year, the trustees of each high school
 19 district shall determine the rate of tuition for the current
 20 school fiscal year by:

21 (a) totaling the actual expenditures from the district
 22 general fund, retirement fund, and debt service fund;

23 (b) dividing the amount determined in subsection
 24 (1)(a) above by the ANB of the district for the current
 25 fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
 3 allowed by 20-9-316 through 20-9-321 that represents the
 4 foundation program as prescribed by 20-9-303 plus the
 5 per-ANB amount determined by dividing the state financing of
 6 the district permissive levy by the ANB of the district,
 7 from the amount determined in subsection (1)(b) above.

8 (2) Before July 15, the trustees shall report to the
 9 county superintendent of the county in which the district is
 10 located:

11 (a) the names, addresses, and resident counties
 12 districts of the pupils attending the schools of the
 13 district under an approved tuition agreement;

14 (b) the number of days of school attended by each
 15 pupil;

16 (c) the amount, if any, of each pupil's tuition
 17 payment that the trustees, in their discretion, shall have
 18 the authority to waive; and

19 (d) the rate of current school fiscal year tuition, as
 20 determined under the provisions of this section.

21 (3) When the county superintendent receives a tuition
 22 report from a district, he shall immediately send the
 23 reported information to the county superintendent of each
 24 county district in which the reported pupils reside.

25 (4) When the county district superintendent of-any

1 county receives a tuition report or reports for high school
 2 pupils residing in his county district and attending an
 3 out-of-county out-of-district high school under approved
 4 tuition agreements, he shall determine the total amount of
 5 tuition due such out-of-county out-of-district high schools
 6 on the basis of the following per-pupil schedule: the rate
 7 of tuition, number of pupils attending under an approved
 8 tuition agreement, and other information provided by each
 9 high school district where resident county district pupils
 10 have attended school.

11 ~~(5) The total amount of the high school tuition with~~
 12 ~~consideration of any tuition waivers shall be financed by~~
 13 ~~the county basic special tax for high schools as provided in~~
 14 ~~20-9-334.~~

15 ~~(6) In December the county superintendent shall cause~~
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 17 ~~obligations established under this section out of the first~~
 18 ~~moneys realized from the county basic special tax for high~~
 19 ~~schools. The payment shall be made to the county treasurer~~
 20 ~~of the county where each high school entitled to tuition is~~
 21 ~~located. The county treasurer shall credit such tuition~~
 22 ~~receipts to the general fund of the applicable high school~~
 23 ~~district and the tuition receipts shall be used in~~
 24 ~~accordance with the provisions of 20-9-141.~~

25 (5) THE TOTAL AMOUNT OF THE HIGH SCHOOL TUITION, WITH

1 CONSIDERATION OF ANY TUITION WAIVERS, FOR PUPILS ATTENDING A
 2 HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE SHALL BE
 3 FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS
 4 PROVIDED IN 20-9-334. IN DECEMBER, THE COUNTY SUPERINTENDENT
 5 SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL
 6 TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF
 7 THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX
 8 FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY
 9 TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO
 10 TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH
 11 TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH
 12 SCHOOL DISTRICT, AND THE TUITION RECEIPTS SHALL BE USED IN
 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141.

14 (6) FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THEIR
 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE,
 16 THE TOTAL AMOUNT OF THE TUITION, WITH CONSIDERATION OF ANY
 17 TUITION WAIVERS, MUST BE PAID DURING THE ENSUING SCHOOL
 18 FISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL
 19 DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION
 20 FUND OF THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED
 21 TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT
 22 PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL
 23 REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH
 24 SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND
 25 MONDAY OF AUGUST, AND A LEVY ON THE DISTRICT SHALL BE MADE

1 BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142.
 2 THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING
 3 FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL
 4 TUITION FUND BUDGET THE SUM OF THE CASH BALANCE IN THE
 5 TUITION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL
 6 FISCAL YEAR PLUS ANY OTHER ANTICIPATED MONEY THAT MAY BE
 7 REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY
 8 WARRANTS DRAWN ON THE TUITION FUND THE TUITION AMOUNTS OWED
 9 TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S
 10 NOTIFICATION. PAYMENTS SHALL BE MADE WHENEVER THERE IS A
 11 SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT
 12 NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR WHICH
 13 THE BUDGET IS ADOPTED."

14 Section 3. Section 20-5-313, MCA, is amended to read:
 15 "20-5-313. Individual tuition for high school pupil.
 16 (1) Any child eligible to attend high school may attend
 17 school in any the high school district of his county of
 18 residence in which he resides without payment of tuition.
 19 (2) No provision of this title shall be construed to
 20 deny a parent the right to send his child, at his own
 21 expense, to any high school outside of his county district
 22 of residence when the parent agrees to pay the tuition
 23 acceptable to the trustees of the high school district
 24 operating such high school. When the attendance is approved,
 25 the parent shall pay tuition at the rate fixed by the

1 trustees."
 2 ~~NEW SECTION~~ Section 4. Budgeting levy requirement
 3 and paying high school tuitions. (1) The tuition amount
 4 established in 20-5-312 must be paid during the ensuing
 5 school fiscal year. The trustees of the high school district
 6 shall include the tuition amount in the tuition fund of the
 7 preliminary and final budgets. This budgeted tuition amount
 8 is not subject to the budget adjustment provisions of
 9 20-9-132.
 10 (2) The county superintendent shall report the net
 11 tuition fund levy requirement for each high school district
 12 to the county commissioners on the second Monday of August
 13 and a levy on the district shall be made by the county
 14 commissioners in accordance with 20-9-142. This levy
 15 requirement shall be calculated by subtracting from the
 16 total expenditure amount authorized in the final tuition
 17 fund budget the sum of the cash balance in the tuition fund
 18 at the end of the immediately preceding school fiscal year
 19 plus any other anticipated money that may be realized in the
 20 tuition funds.
 21 (3) The trustees shall pay by warrants drawn on the
 22 tuition fund the tuition amounts owed to each district
 23 included in the county superintendent's notification under
 24 the provisions of 20-5-312. Payments shall be made whenever
 25 there is a sufficient amount of cash available in the

1 tuition fund but no later than the end of the school fiscal
2 year for which the budget is adopted.

3 Section 5 of Section 28-9-334, MCA, is amended to read:

4 "28-9-334. Apportionment of county equalization moneys

5 by county superintendent. The county superintendent shall

6 separately apportion the revenues deposited in the basic

7 county tax account and the revenues deposited in the basic

8 special tax for high schools account to the several

9 districts of the county on a quarterly basis. The

10 apportionments shall be known as "county equalization

11 moneys." Before the county superintendent makes the

12 quarterly apportionments, he shall:

13 (1) deduct from the revenues available in the basic

14 county tax account the amount required for the quarter to

15 pay the county's obligation for elementary transportation

16 reimbursements; and

17 (2) deduct from the revenues available in the basic

18 special tax for high schools account the amount required for

19 the quarter to pay the county's obligation for high school

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-End-

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1 district where the child wishes to attend school and the
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24 (1)(a) above by the ANB of the district for the current
25 fiscal year, as determined under the provisions of 20-9-311;

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7 from the amount determined in subsection (1)(b) above.

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9 county superintendent of the county in which the district is
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 8 FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY
 9 TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO
 10 TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH
 11 TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH
 12 SCHOOL DISTRICT, AND THE TUITION RECEIPTS SHALL BE USED IN
 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141.

14 (6) FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THEIR
 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE,
 16 THE TOTAL AMOUNT OF THE TUITION, WITH CONSIDERATION OF ANY
 17 TUITION WAIVERS, MUST BE PAID DURING THE ENSUING SCHOOL
 18 FISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL
 19 DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION
 20 FUND OF THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED
 21 TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT
 22 PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL
 23 REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH
 24 SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND
 25 MONDAY OF AUGUST, AND A LEVY ON THE DISTRICT SHALL BE MADE

1 BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142.
 2 THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING
 3 FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL
 4 TUITION FUND BUDGET THE SUM OF THE CASH BALANCE IN THE
 5 TUITION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL
 6 FISCAL YEAR PLUS ANY OTHER ANTICIPATED MONEY THAT MAY BE
 7 REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY
 8 WARRANTS DRAWN ON THE TUITION FUND THE TUITION AMOUNTS OWED
 9 TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S
 10 NOTIFICATION. PAYMENTS SHALL BE MADE WHENEVER THERE IS A
 11 SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT
 12 NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR WHICH
 13 THE BUDGET IS ADOPTED."

14 Section 3. Section 20-5-313, MCA, is amended to read:
 15 "20-5-313. Individual tuition for high school pupil.
 16 (1) Any child eligible to attend high school may attend
 17 school in any ~~the~~ high school district of his county of
 18 residence in which he resides without payment of tuition.
 19 (2) No provision of this title shall be construed to
 20 deny a parent the right to send his child, at his own
 21 expense, to any high school outside of his county district
 22 of residence when the parent agrees to pay the tuition
 23 acceptable to the trustees of the high school district
 24 operating such high school. When the attendance is approved,
 25 the parent shall pay tuition at the rate fixed by the

1 trustees."

2 ~~NEW-SECTION~~ Section 4. Budgeting, levy requirements
 3 and paying high school tuition. (1) The tuition amount
 4 established in 20-5-312 must be paid during the ensuing
 5 school fiscal year. The trustees of the high school district
 6 shall include the tuition amount in the tuition fund of the
 7 preliminary and final budgets. This budgeted tuition amount
 8 is not subject to the budget adjustment provisions of
 9 20-9-132.

10 (2) The county superintendent shall report the net
 11 tuition fund levy requirement for each high school district
 12 to the county commissioners on the second Monday of August
 13 and a levy on the district shall be made by the county
 14 commissioners in accordance with 20-9-142. This levy
 15 requirement shall be calculated by subtracting from the
 16 total expenditure amount authorized in the final tuition
 17 fund budget the sum of the cash balance in the tuition fund
 18 at the end of the immediately preceding school fiscal year
 19 plus any other anticipated money that may be realized in the
 20 tuition funds.

21 (3) The trustees shall pay by warrants drawn on the
 22 tuition fund the tuition amounts owed to each district
 23 included in the county superintendent's notification under
 24 the provisions of 20-5-312. Payments shall be made whenever
 25 there is a sufficient amount of cash available in the

1 tuition fund but no later than the end of the school fiscal
2 year for which the budget is adopted.

3 Section 5 of Section 28-9-334, MCA, is amended to read:
4 "28-9-334--Apportionment of county equalization moneys
5 by county superintendents--The county superintendent shall
6 separately apportion the revenues deposited in the basic
7 county tax account and the revenues deposited in the basic
8 special tax for high schools account to the several
9 districts of the county on a quarterly basis--The
10 apportionments shall be known as "county equalization
11 moneys"--Before the county superintendent makes the
12 quarterly apportionments, he shall:

13 (i) deduct from the revenues available in the basic
14 county tax account the amount required for the quarter to
15 pay the county's obligation for elementary transportation
16 reimbursements; and

17 (ii) deduct from the revenues available in the basic
18 special tax for high schools account the amount required for
19 the quarter to pay the county's obligation for high school
20 out-of-county tuitions."

-End-

SB 273

1 SENATE BILL NO. 273
2 INTRODUCED BY McCALLUM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
5 PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
6 A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
7 SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
8 20-5-313 AND 20-9-334, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 20-5-311, MCA, is amended to read:

12 "20-5-311. High school tuition. (1) Any child may be
13 enrolled in and attend a high school outside of the county
14 high school district in which he resides when such high
15 school is located in ~~any county of the state of~~ Montana or
16 in a county of another state that is adjacent to the state
17 of Montana. When a parent or guardian of a child wishes to
18 have his child attend a school under the provisions of this
19 section, he shall apply to the county superintendent of the
20 county of his residence before July 1 of the school fiscal
21 year for which he seeks approval except in those cases when
22 substantial changes in circumstances occurred subsequently
23 to justify later application. Such application shall be made
24 on a tuition agreement form supplied by the county
25 superintendent and shall be approved by the trustees of the

1 district where the child wishes to attend school and the
2 county superintendent of the child's county of residence
3 before permission to enroll in and attend a school outside
4 of the county district under the provisions of this section
5 shall be granted.

6 (2) The county superintendent shall approve a tuition
7 application when a child lives closer to a high school of
8 another county district than any high school located within
9 his resident county district or when, due to road or
10 geographic conditions, it is impractical to attend a ~~the~~
11 high school in nearest his resident-county residence. In
12 approving such a tuition application the county
13 superintendent is not required to approve a tuition
14 application for a student seeking to attend a high school
15 outside the state of Montana if the resident district
16 provides transportation. In approving a tuition agreement
17 under this provision, the county superintendent may require
18 the child to attend the high school closest to his
19 residence. The county superintendent may approve any other
20 tuition application that satisfies the geographic
21 requirements of this section.

22 (3) The trustees of the district where the child
23 wishes to attend school shall approve or disapprove any
24 tuition application submitted to them under the provisions
25 of this section within 15 days after the receipt of the

1 application.

2 (4) The county superintendent shall notify the parent
 3 or guardian and the trustees of the district where the child
 4 wishes to attend school of the tuition agreement approval or
 5 disapproval. If a tuition agreement is disapproved by the
 6 county superintendent, the parent may appeal such
 7 disapproval to the county superintendent for his
 8 reconsideration and, subsequently, to the superintendent of
 9 public instruction under the provision for the appeal of
 10 controversies in this title. The approval of any tuition
 11 agreement by the approval agents or upon appeal shall
 12 authorize the child named in such agreement to enroll in and
 13 attend the school named in such agreement for the ensuing
 14 school fiscal year."

15 Section 2. Section 20-5-312, MCA, is amended to read:

16 "20-5-312. Reporting, budgeting, and payment for high
 17 school tuition. (1) At the close of the school term of each
 18 school fiscal year, the trustees of each high school
 19 district shall determine the rate of tuition for the current
 20 school fiscal year by:

21 (a) totaling the actual expenditures from the district
 22 general fund, retirement fund, and debt service fund;

23 (b) dividing the amount determined in subsection
 24 (1)(a) above by the ANB of the district for the current
 25 fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
 3 allowed by 20-9-316 through 20-9-321 that represents the
 4 foundation program as prescribed by 20-9-303 plus the
 5 per-ANB amount determined by dividing the state financing of
 6 the district permissive levy by the ANB of the district,
 7 from the amount determined in subsection (1)(b) above.

8 (2) Before July 15, the trustees shall report to the
 9 county superintendent of the county in which the district is
 10 located:

11 (a) the names, addresses, and resident counties
 12 districts of the pupils attending the schools of the
 13 district under an approved tuition agreement;

14 (b) the number of days of school attended by each
 15 pupil;

16 (c) the amount, if any, of each pupil's tuition
 17 payment that the trustees, in their discretion, shall have
 18 the authority to waive; and

19 (d) the rate of current school fiscal year tuition, as
 20 determined under the provisions of this section.

21 (3) When the county superintendent receives a tuition
 22 report from a district, he shall immediately send the
 23 reported information to the county superintendent of each
 24 county district in which the reported pupils reside.

25 (4) When the county district superintendent of any

1 county receives a tuition report or reports for high school
 2 pupils residing in his county ~~district~~ and attending an
 3 out-of-county ~~out-of-district~~ high school under approved
 4 tuition agreements, he shall determine the total amount of
 5 tuition due such out-of-county ~~out-of-district~~ high schools
 6 on the basis of the following per-pupil schedule: the rate
 7 of tuition, number of pupils attending under an approved
 8 tuition agreement, and other information provided by each
 9 high school district where resident county ~~district~~ pupils
 10 have attended school.

11 ~~{5}--The--total--amount--of--the--high--school--tuition--with~~
 12 ~~consideration--of--any--tuition--waivers--shall--be--financed--by~~
 13 ~~the--county--basic--special--tax--for--high--schools--as--provided--in~~
 14 ~~20-9-334.~~

15 ~~{6}--In--December--the--county--superintendent--shall--cause~~
 16 ~~the--payment--by--county--warrant--of--the--high--school--tuition~~
 17 ~~obligations--established--under--this--section--out--of--the--first~~
 18 ~~moneys--realized--from--the--county--basic--special--tax--for--high~~
 19 ~~schools--the--payment--shall--be--made--to--the--county--treasurer~~
 20 ~~of--the--county--where--each--high--school--entitled--to--tuition--is~~
 21 ~~located--the--county--treasurer--shall--credit--such--tuition~~
 22 ~~receipts--to--the--general--fund--of--the--applicable--high--school~~
 23 ~~district--and--the--tuition--receipts--shall--be--used--in~~
 24 ~~accordance--with--the--provisions--of--20-9-141.~~

25 {5} THE TOTAL AMOUNT OF THE HIGH SCHOOL TUITION, WITH

1 CONSIDERATION OF ANY TUITION WAIVERS, FOR PUPILS ATTENDING A
 2 HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE SHALL BE
 3 FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS
 4 PROVIDED IN 20-9-334. IN DECEMBER, THE COUNTY SUPERINTENDENT
 5 SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL
 6 TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF
 7 THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX
 8 FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY
 9 TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO
 10 TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH
 11 TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH
 12 SCHOOL DISTRICT, AND THE TUITION RECEIPTS SHALL BE USED IN
 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141.

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 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE,
 16 THE TOTAL AMOUNT OF THE TUITION, WITH CONSIDERATION OF ANY
 17 TUITION WAIVERS, MUST BE PAID DURING THE ENSUING SCHOOL
 18 FISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL
 19 DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION
 20 FUND OF THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED
 21 TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT
 22 PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL
 23 REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH
 24 SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND
 25 MONDAY OF AUGUST, AND A LEVY ON THE DISTRICT SHALL BE MADE

1 BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142.
 2 THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING
 3 FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL
 4 TUITION FUND BUDGET THE SUM OF THE CASH BALANCE IN THE
 5 TUITION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL
 6 FISCAL YEAR PLUS ANY OTHER ANTICIPATED MONEY THAT MAY BE
 7 REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY
 8 WARRANTS DRAWN ON THE TUITION FUND THE TUITION AMOUNTS OWED
 9 TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S
 10 NOTIFICATION. PAYMENTS SHALL BE MADE WHENEVER THERE IS A
 11 SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT
 12 NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR WHICH
 13 THE BUDGET IS ADOPTED. HOWEVER, IF THE TRUSTEES OF EITHER
 14 THE SENDING OR RECEIVING HIGH SCHOOL FEEL THE TRANSFER
 15 PRIVILEGE PROVIDED BY THIS SUBSECTION IS BEING ABUSED THEY
 16 MAY APPEAL TO THE COUNTY SUPERINTENDENT OF SCHOOLS WHO SHALL
 17 HOLD A HEARING AND EITHER APPROVE OR DISAPPROVE THE
 18 TRANSFER."

19 Section 3. Section 20-5-313, MCA, is amended to read:
 20 "20-5-313. Individual tuition for high school pupil.
 21 (1) Any child eligible to attend high school may attend
 22 school in any ~~the~~ high school district of his county of
 23 residence in which he resides without payment of tuition.
 24 (2) No provision of this title shall be construed to
 25 deny a parent the right to send his child, at his own

1 expense, to any high school outside of his county district
 2 of residence when the parent agrees to pay the tuition
 3 acceptable to the trustees of the high school district
 4 operating such high school. When the attendance is approved,
 5 the parent shall pay tuition at the rate fixed by the
 6 trustees."

7 ~~NEW SECTION~~ Section 4. Budgeting, levy requirement,
 8 and paying high school tuition. (1) The tuition amount
 9 established in 20-5-312 must be paid during the ensuing
 10 school fiscal year. The trustees of the high school district
 11 shall include the tuition amount in the tuition fund of the
 12 preliminary and final budgets. This budgeted tuition amount
 13 is not subject to the budget adjustment provisions of
 14 20-9-132.

15 (2) The county superintendent shall report the net
 16 tuition fund levy requirement for each high school district
 17 to the county commissioners on the second Monday of August
 18 and a levy on the district shall be made by the county
 19 commissioners in accordance with 20-9-142. This levy
 20 requirement shall be calculated by subtracting from the
 21 total expenditure amount authorized in the final tuition
 22 fund budget the sum of the cash balance in the tuition fund
 23 at the end of the immediately preceding school fiscal year
 24 plus any other anticipated money that may be realized in the
 25 tuition funds.

1 (3)--The trustees shall pay by warrants drawn on the
2 tuition fund the tuition amounts owed to each district
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4 the provisions of 20-5-312. Payments shall be made whenever
5 there is a sufficient amount of cash available in the
6 tuition fund but no later than the end of the school fiscal
7 year for which the budget is adopted.

8 Section 5, Section 20-9-334, MEA, is amended to read:
9 "20-9-334--Apportionment of county equalization moneys
10 by county superintendents--The county superintendent shall
11 separately apportion the revenues deposited in the basic
12 county tax account and the revenues deposited in the basic
13 special tax for high schools account to the several
14 districts of the county on a quarterly basis. The
15 apportionments shall be known as "county equalization
16 moneys". Before the county superintendent makes the
17 quarterly apportionments, he shall:

18 (1)--deduct from the revenues available in the basic
19 county tax account the amount required for the quarter to
20 pay the county's obligation for elementary transportation
21 reimbursements; and

22 (2)--deduct from the revenues available in the basic
23 special tax for high schools account the amount required for
24 the quarter to pay the county's obligation for high school
25 out-of-county tuition."

1 SENATE BILL NO. 273

2 INTRODUCED BY McCALLUM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
5 PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
6 A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
7 SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
8 20-5-313 AND 20-9-334, MCA."

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16 in a county of another state that is adjacent to the state
17 of Montana. When a parent or guardian of a child wishes to
18 have his child attend a school under the provisions of this
19 section, he shall apply to the county superintendent of the
20 county of his residence before July 1 of the school fiscal
21 year for which he seeks approval except in those cases when
22 substantial changes in circumstances occurred subsequently
23 to justify later application. Such application shall be made
24 on a tuition agreement form supplied by the county
25 superintendent and shall be approved by the trustees of the

1 district where the child wishes to attend school and the
2 county superintendent of the child's county of residence
3 before permission to enroll in and attend a school outside
4 of the county ~~district~~ under the provisions of this section
5 shall be granted.

6 (2) The county superintendent shall approve a tuition
7 application when a child lives closer to a high school of
8 another county ~~district~~ than any high school located within
9 his resident county ~~district~~ or when, due to road or
10 geographic conditions, it is impractical to attend a ~~the~~
11 high school in ~~nearest~~ his resident-county ~~residence~~. In
12 approving such a tuition application the county
13 superintendent is not required to approve a tuition
14 application for a student seeking to attend a high school
15 outside the state of Montana if the resident district
16 provides transportation. In approving a tuition agreement
17 under this provision, the county superintendent may require
18 the child to attend the high school closest to his
19 residence. The county superintendent may approve any other
20 tuition application that satisfies the geographic
21 requirements of this section.

22 (3) The trustees of the district where the child
23 wishes to attend school shall approve or disapprove any
24 tuition application submitted to them under the provisions
25 of this section within 15 days after the receipt of the

1 application.

2 (4) The county superintendent shall notify the parent
3 or guardian and the trustees of the district where the child
4 wishes to attend school of the tuition agreement approval or
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6 county superintendent, the parent may appeal such
7 disapproval to the county superintendent for his
8 reconsideration and, subsequently, to the superintendent of
9 public instruction under the provision for the appeal of
10 controversies in this title. The approval of any tuition
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14 school fiscal year."

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18 school fiscal year, the trustees of each high school
19 district shall determine the rate of tuition for the current
20 school fiscal year by:

21 (a) totaling the actual expenditures from the district
22 general fund, retirement fund, and debt service fund;

23 (b) dividing the amount determined in subsection
24 (1)(a) above by the ANB of the district for the current
25 fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
3 allowed by 20-9-316 through 20-9-321 that represents the
4 foundation program as prescribed by 20-9-303 plus the
5 per-ANB amount determined by dividing the state financing of
6 the district permissive levy by the ANB of the district,
7 from the amount determined in subsection (1)(b) above.

8 (2) Before July 15, the trustees shall report to the
9 county superintendent of the county in which the district is
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13 district under an approved tuition agreement;

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15 pupil;

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17 payment that the trustees, in their discretion, shall have
18 the authority to waive; and

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20 determined under the provisions of this section.

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22 report from a district, he shall immediately send the
23 reported information to the county superintendent of each
24 county ~~district~~ in which the reported pupils reside.

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1 county receives a tuition report or reports for high school
 2 pupils residing in his county district and attending an
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20 "20-5-313. Individual tuition for high school pupil.
 21 (1) Any child eligible to attend high school may attend
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 25 deny a parent the right to send his child, at his own

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 2 of residence when the parent agrees to pay the tuition
 3 acceptable to the trustees of the high school district
 4 operating such high school. When the attendance is approved,
 5 the parent shall pay tuition at the rate fixed by the
 6 trustees."

7 ~~NEW SECTION--Section 4--Budgeting--levy--requirements~~
 8 ~~and--paying--high--school--tuition--(1)--The--tuition--amount~~
 9 ~~established--in--20-5-312--must--be--paid--during--the--ensuing~~
 10 ~~school--fiscal--year--The--trustees--of--the--high--school--district~~
 11 ~~shall--include--the--tuition--amount--in--the--tuition--fund--of--the~~
 12 ~~preliminary--and--final--budgets--This--budgeted--tuition--amount~~
 13 ~~is--not--subject--to--the--budget--adjustment--provisions--of~~
 14 ~~20-9-142.~~

15 (2)--The--county--superintendent--shall--report--the--net
 16 tuition--fund--levy--requirement--for--each--high--school--district
 17 to--the--county--commissioners--on--the--second--Monday--of--August
 18 and--a--levy--on--the--district--shall--be--made--by--the--county
 19 commissioners--in--accordance--with--20-9-142--This--levy
 20 requirement--shall--be--calculated--by--subtracting--from--the
 21 total--expenditure--amount--authorized--in--the--final--tuition
 22 fund--budget--the--sum--of--the--cash--balance--in--the--tuition--fund
 23 at--the--end--of--the--immediately--preceding--school--fiscal--year
 24 plus--any--other--anticipated--money--that--may--be--realized--in--the
 25 tuition--funds

1 {3}--The trustees shall pay by warrants drawn on the
2 tuition fund the tuition amounts owed to each district
3 included in the county superintendent's notification under
4 the provisions of 20-5-312. Payments shall be made whenever
5 there is a sufficient amount of cash available in the
6 tuition fund but no later than the end of the school fiscal
7 year for which the budget is adopted.

8 Section 5. Section 20-9-334 MCA is amended to read:
9 "20-9-334. Apportionment of county equalization moneys
10 by county superintendent. The county superintendent shall
11 separately apportion the revenues deposited in the basic
12 county tax account and the revenues deposited in the basic
13 special tax for high schools account to the several
14 districts of the county on a quarterly basis. The
15 apportionments shall be known as "county equalization
16 moneys." Before the county superintendent makes the
17 quarterly apportionments, he shall:

18 {1}--deduct from the revenues available in the basic
19 county tax account the amount required for the quarter to
20 pay the county's obligation for elementary transportation
21 reimbursements; and

22 {2}--deduct from the revenues available in the basic
23 special tax for high schools account the amount required for
24 the quarter to pay the county's obligation for high school
25 out-of-county tuitions."

1 SENATE BILL NO. 273

2 INTRODUCED BY McCALLUM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
5 PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
6 A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
7 SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
8 20-5-313 AND 28-9-334, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 20-5-311, MCA, is amended to read:

12 "20-5-311. High school tuition. (1) Any child may be
13 enrolled in and attend a high school outside of the county
14 high school district in which he resides when such high
15 school is located in ~~any county of the state of~~ Montana or
16 in a county of another state that is adjacent to the state
17 of Montana, when a parent or guardian of a child wishes to
18 have his child attend a school under the provisions of this
19 section, he shall apply to the county superintendent of the
20 county of his residence before July 1 of the school fiscal
21 year for which he seeks approval except in those cases when
22 substantial changes in circumstances occurred subsequently
23 to justify later application. Such application shall be made
24 on a tuition agreement form supplied by the county
25 superintendent and shall be approved by the trustees of the

1 district where the child wishes to attend school and the
2 county---superintendent ~~TRUSTEES~~ of the child's county
3 ~~DISTRICT~~ of residence before permission to enroll in and
4 attend a school outside of the county district under the
5 provisions of this section shall be granted.

6 (2) The county superintendent shall approve a tuition
7 application when a child lives closer to a high school of
8 another county district than any high school located within
9 his resident county district or when, due to road or
10 geographic conditions, it is impractical to attend a ~~the~~
11 high school in nearest his resident-county residence. In
12 approving such a tuition application the county
13 superintendent is not required to approve a tuition
14 application for a student seeking to attend a high school
15 outside the state of Montana if the resident district
16 provides transportation. In approving a tuition agreement
17 under this provision, the county superintendent may require
18 the child to attend the high school closest to his
19 residence. The county superintendent may approve any other
20 tuition application that satisfies the geographic
21 requirements of this section.

22 (3) The trustees of the district where the child
23 wishes to attend school shall approve or disapprove any
24 tuition application submitted to them under the provisions
25 of this section within 15 days after the receipt of the

1 application.

2 (4) The county superintendent shall notify the parent
3 or guardian and the trustees of the district where the child
4 wishes to attend school of the tuition agreement approval or
5 disapproval. If a tuition agreement is disapproved by the
6 county superintendent, the parent may appeal such
7 disapproval to the county superintendent for his
8 reconsideration and, subsequently, to the superintendent of
9 public instruction under the provision for the appeal of
10 controversies in this title. The approval of any tuition
11 agreement by the approval agents or upon appeal shall
12 authorize the child named in such agreement to enroll in and
13 attend the school named in such agreement for the ensuing
14 school fiscal year."

15 Section 2. Section 20-5-312, MCA, is amended to read:

16 "20-5-312. Reporting, budgeting, and payment for high
17 school tuition. (1) At the close of the school term of each
18 school fiscal year, the trustees of each high school
19 district shall determine the rate of tuition for the current
20 school fiscal year by:

21 (a) totaling the actual expenditures from the district
22 general funds, retirement funds, and debt service fund;

23 (b) dividing the amount determined in subsection
24 (1)(a) above by the ANB of the district for the current
25 fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
3 allowed by 20-9-316 through 20-9-321 that represents the
4 foundation program as prescribed by 20-9-303 plus the
5 per-ANB amount determined by dividing the state financing of
6 the district permissive levy by the ANB of the district,
7 from the amount determined in subsection (1)(b) above.

8 (2) Before July 15, the trustees shall report to the
9 county superintendent of the county in which the district is
10 located:

11 (a) the names, addresses, and resident counties
12 ~~districts~~ of the pupils attending the schools of the
13 district under an approved tuition agreement;

14 (b) the number of days of school attended by each
15 pupil;

16 (c) the amount, if any, of each pupil's tuition
17 payment that the trustees, in their discretion, shall have
18 the authority to waive; and

19 (d) the rate of current school fiscal year tuition, as
20 determined under the provisions of this section.

21 (3) When the county superintendent receives a tuition
22 report from a district, he shall immediately send the
23 reported information to the county superintendent of each
24 county ~~district~~ in which the reported pupils reside.

25 (4) When the county ~~district~~ superintendent of any

1 county receives a tuition report or reports for high school
 2 pupils residing in his county district and attending an
 3 out-of-county out-of-district high school under approved
 4 tuition agreements, he shall determine the total amount of
 5 tuition due such out-of-county out-of-district high schools
 6 on the basis of the following per-pupil schedule: the rate
 7 of tuition, number of pupils attending under an approved
 8 tuition agreement, and other information provided by each
 9 high school district where resident county district pupils
 10 have attended school.

11 ~~(5) The total amount of the high school tuition with~~
 12 ~~consideration of any tuition waivers shall be financed by~~
 13 ~~the county basic special tax for high schools as provided in~~
 14 ~~20-9-334.~~

15 ~~(6) In December, the county superintendent shall cause~~
 16 ~~the payment by county warrant of the high school tuition~~
 17 ~~obligations established under this section out of the first~~
 18 ~~moneys realized from the county basic special tax for high~~
 19 ~~schools. The payment shall be made to the county treasurer~~
 20 ~~of the county where each high school entitled to tuition is~~
 21 ~~located. The county treasurer shall credit such tuition~~
 22 ~~receipts to the general fund of the applicable high school~~
 23 ~~district, and the tuition receipts shall be used in~~
 24 ~~accordance with the provisions of 20-9-141.~~

25 (5) THE TOTAL AMOUNT OF THE HIGH SCHOOL TUITION, WITH

1 CONSIDERATION OF ANY TUITION WAIVERS, FOR PUPILS ATTENDING A
 2 HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE SHALL BE
 3 FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS
 4 PROVIDED IN 20-9-334. IN DECEMBER, THE COUNTY SUPERINTENDENT
 5 SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL
 6 TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF
 7 THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX
 8 FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY
 9 TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO
 10 TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH
 11 TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH
 12 SCHOOL DISTRICT, AND THE TUITION RECEIPTS SHALL BE USED IN
 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141.

14 (6) FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THEIR
 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE,
 16 THE TOTAL AMOUNT OF THE TUITION, WITH CONSIDERATION OF ANY
 17 TUITION WAIVERS, MUST BE PAID DURING THE ENSUING SCHOOL
 18 FISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL
 19 DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION
 20 FUND OF THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED
 21 TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT
 22 PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL
 23 REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH
 24 SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND
 25 MONDAY OF AUGUST, AND A LEVY ON THE DISTRICT SHALL BE MADE

1 BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142.
 2 THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING
 3 FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL
 4 TUITION FUND BUDGET THE SUM OF THE CASH BALANCE IN THE
 5 TUITION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL
 6 FISCAL YEAR PLUS ANY OTHER ANTICIPATED MONEY THAT MAY BE
 7 REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY
 8 WARRANTS DRAWN ON THE TUITION FUND THE TUITION AMOUNTS OWED
 9 TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S
 10 NOTIFICATION. PAYMENTS SHALL BE MADE WHENEVER THERE IS A
 11 SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT
 12 NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR WHICH
 13 THE BUDGET IS ADOPTED. HOWEVER, IF THE TRUSTEES OF EITHER
 14 THE SENDING OR RECEIVING HIGH SCHOOL FEEL THE TRANSFER
 15 PRIVILEGE PROVIDED BY THIS SUBSECTION IS BEING ABUSED THEY
 16 MAY APPEAL TO THE COUNTY SUPERINTENDENT OF SCHOOLS WHO SHALL
 17 HOLD A HEARING AND EITHER APPROVE OR DISAPPROVE THE
 18 TRANSFER."

19 Section 3. Section 20-5-313, MCA, is amended to read:
 20 "20-5-313. Individual tuition for high school pupils.
 21 (1) Any child eligible to attend high school may attend
 22 school in any the high school district of his county of
 23 residence in which he resides without payment of tuition.
 24 (2) No provision of this title shall be construed to
 25 deny a parent the right to send his child, at his own

1 expense, to any high school outside of his county district
 2 of residence when the parent agrees to pay the tuition
 3 acceptable to the trustees of the high school district
 4 operating such high school. When the attendance is approved,
 5 the parent shall pay tuition at the rate fixed by the
 6 trustees."

7 ~~NEW SECTION~~ Section 4. Budgeting, levy requirement
 8 and paying high school tuition. (1) The tuition amount
 9 established in 20-5-312 must be paid during the ensuing
 10 school fiscal year. The trustees of the high school district
 11 shall include the tuition amount in the tuition fund of the
 12 preliminary and final budgets. This budgeted tuition amount
 13 is not subject to the budget adjustment provisions of
 14 20-9-132.

15 (2) The county superintendent shall report the net
 16 tuition fund levy requirement for each high school district
 17 to the county commissioners on the second Monday of August
 18 and a levy on the district shall be made by the county
 19 commissioners in accordance with 20-9-142. This levy
 20 requirement shall be calculated by subtracting from the
 21 total expenditure amount authorized in the final tuition
 22 fund budget the sum of the cash balance in the tuition fund
 23 at the end of the immediately preceding school fiscal year
 24 plus any other anticipated money that may be realized in the
 25 tuition fund.

-End-

1 (3) The trustees shall pay by warrants drawn on the
 2 tuition fund the tuition amounts owed to each district
 3 included in the county superintendent's notification under
 4 the provisions of 20-5-312. Payments shall be made whenever
 5 there is a sufficient amount of cash available in the
 6 tuition fund but no later than the end of the school fiscal
 7 year for which the budget is adopted.

8 Section 5, Section 20-9-334, MCA, is amended to read:
 9 "20-9-334. Apportionment of county equalization moneys
 10 by county superintendent. The county superintendent shall
 11 separately apportion the revenues deposited in the basic
 12 county tax account and the revenues deposited in the basic
 13 special tax for high schools account to the several
 14 districts of the county on a quarterly basis. The
 15 apportionments shall be known as "county equalization
 16 moneys." Before the county superintendent makes the
 17 quarterly apportionments, he shall:

18 (1) deduct from the revenues available in the basic
 19 county tax account the amount required for the quarter to
 20 pay the county's obligation for elementary transportation
 21 reimbursements; and

22 (2) deduct from the revenues available in the basic
 23 special tax for high schools account the amount required for
 24 the quarter to pay the county's obligation for high school
 25 out-of-county tuitions."

1 SENATE BILL NO. 273
2 INTRODUCED BY McCALLUM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
5 PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
6 A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
7 SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
8 20-5-313 AND 20-9-334, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 20-5-311, MCA, is amended to read:

12 "20-5-311. High school tuition. (1) Any child may be
13 enrolled in and attend a high school outside of the county
14 high school district in which he resides when such high
15 school is located in ~~any county of the state of~~ Montana or
16 in a county of another state that is adjacent to the state
17 of Montana. When a parent or guardian of a child wishes to
18 have his child attend a school under the provisions of this
19 section, he shall apply to the county superintendent of the
20 county of his residence before July 1 of the school fiscal
21 year for which he seeks approval except in those cases when
22 substantial changes in circumstances occurred subsequently
23 to justify later application. Such application shall be made
24 on a tuition agreement form supplied by the county
25 superintendent and shall be approved by the trustees of the

1 district where the child wishes to attend school and the
2 county---superintendent TRUSTEES of the child's county
3 DISTRICT of residence before permission to enroll in and
4 attend a school outside of the county district under the
5 provisions of this section shall be granted.

6 (2) The county-superintendent TRUSTEES shall approve a
7 tuition application when a child lives closer to a high
8 school of another county district than any high school
9 located within his resident county district or when, due to
10 road or geographic conditions, it is impractical to attend a
11 ~~the~~ high school in ~~nearest~~ his resident-county residence. In
12 approving such a tuition application the county
13 superintendent TRUSTEES ~~is~~ ARE not required to approve a
14 tuition application for a student seeking to attend a high
15 school outside the state of Montana if the resident district
16 provides transportation. In approving a tuition agreement
17 under this provision, the county-superintendent TRUSTEES may
18 require the child to attend the high school closest to his
19 residence. The county-superintendent TRUSTEES may approve
20 any other tuition application that satisfies the geographic
21 requirements of this section.

22 (3) The trustees of the district where the child
23 wishes to attend school shall approve or disapprove any
24 tuition application submitted to them under the provisions
25 of this section within 15 days after the receipt of the

1 application.

2 (4) The county superintendent shall notify the parent
3 or guardian and the trustees of the district where the child
4 wishes to attend school of the tuition agreement approval or
5 disapproval. If a tuition agreement is disapproved by the
6 county-superintendent IRUSIEES, the parent may appeal such
7 disapproval to the county-superintendent IRUSIEES for his
8 THEIR reconsideration and, subsequently, to the
9 superintendent of public instruction under the provision for
10 the appeal of controversies in this title. The approval of
11 any tuition agreement by the approval agents or upon appeal
12 shall authorize the child named in such agreement to enroll
13 in and attend the school named in such agreement for the
14 ensuing school fiscal year."

15 Section 2. Section 20-5-312, MCA, is amended to read:

16 "20-5-312. Reporting, budgeting, and payment for high
17 school tuition. (1) At the close of the school term of each
18 school fiscal year, the trustees of each high school
19 district shall determine the rate of tuition for the current
20 school fiscal year by:

21 (a) totaling the actual expenditures from the district
22 general fund, retirement fund, and debt service fund;

23 (b) dividing the amount determined in subsection
24 (1)(a) above by the ANB of the district for the current
25 fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
3 allowed by 20-9-316 through 20-9-321 that represents the
4 foundation program as prescribed by 20-9-303 plus the
5 per-ANB amount determined by dividing the state financing of
6 the district permissive levy by the ANB of the district,
7 from the amount determined in subsection (1)(b) above.

8 (2) Before July 15, the trustees shall report to the
9 county superintendent of the county in which the district is
10 located:

11 (a) the names, addresses, and resident counties
12 ~~districts~~ of the pupils attending the schools of the
13 district under an approved tuition agreement;

14 (b) the number of days of school attended by each
15 pupil;

16 (c) the amount, if any, of each pupil's tuition
17 payment that the trustees, in their discretion, shall have
18 the authority to waive; and

19 (d) the rate of current school fiscal year tuition, as
20 determined under the provisions of this section.

21 (3) When the county superintendent receives a tuition
22 report from a district, he shall immediately send the
23 reported information to the county superintendent of each
24 county district in which the reported pupils reside.

25 (4) When the county district superintendent of--any

1 county receives a tuition report or reports for high school
 2 pupils residing in his county district and attending an
 3 out-of-county out-of-district high school under approved
 4 tuition agreements, he shall determine the total amount of
 5 tuition due such out-of-county out-of-district high schools
 6 on the basis of the following per-pupil schedule: the rate
 7 of tuition, number of pupils attending under an approved
 8 tuition agreement, and other information provided by each
 9 high school district where resident county district pupils
 10 have attended school.

11 ~~{5}--The total amount of the high school tuition with~~
 12 ~~consideration of any tuition waivers shall be financed by~~
 13 ~~the county basic special tax for high schools as provided in~~
 14 ~~20-9-334.~~

15 ~~{6}--In December the county superintendent shall cause~~
 16 ~~the payment by county warrant of the high school tuition~~
 17 ~~obligations established under this section out of the first~~
 18 ~~moneys realized from the county basic special tax for high~~
 19 ~~schools. The payment shall be made to the county treasurer~~
 20 ~~of the county where each high school entitled to tuition is~~
 21 ~~located. The county treasurer shall credit such tuition~~
 22 ~~receipts to the general fund of the applicable high school~~
 23 ~~districts and the tuition receipts shall be used in~~
 24 ~~accordance with the provisions of 20-9-141.~~

25 {5} THE TOTAL AMOUNT OF THE HIGH SCHOOL TUITION, WITH

1 CONSIDERATION OF ANY TUITION WAIVERS, FOR PUPILS ATTENDING A
 2 HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE SHALL BE
 3 FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS
 4 PROVIDED IN 20-9-334. IN DECEMBER, THE COUNTY SUPERINTENDENT
 5 SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL
 6 TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF
 7 THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX
 8 FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY
 9 TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO
 10 TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH
 11 TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH
 12 SCHOOL DISTRICT, AND THE TUITION RECEIPTS SHALL BE USED IN
 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141.

14 {6} FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THEIR
 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE,
 16 THE TOTAL AMOUNT OF THE TUITION, WITH CONSIDERATION OF ANY
 17 TUITION WAIVERS, MUST BE PAID DURING THE ENSUING SCHOOL
 18 FISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL
 19 DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION
 20 FUND OF THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED
 21 TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT
 22 PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL
 23 REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH
 24 SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND
 25 MONDAY OF AUGUST, AND A LEVY ON THE DISTRICT SHALL BE MADE

1 BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142.
 2 THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING
 3 FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL
 4 TUITION FUND BUDGET THE SUM OF THE CASH BALANCE IN THE
 5 TUITION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL
 6 FISCAL YEAR PLUS ANY OTHER ANTICIPATED MONEY THAT MAY BE
 7 REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY
 8 WARRANTS DRAWN ON THE TUITION FUND THE TUITION AMOUNTS OWED
 9 TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S
 10 NOTIFICATION. PAYMENTS SHALL BE MADE WHENEVER THERE IS A
 11 SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT
 12 NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR WHICH
 13 THE BUDGET IS ADOPTED. HOWEVER, IF THE TRUSTEES OF EITHER
 14 THE SENDING OR RECEIVING HIGH SCHOOL FEEL THE TRANSFER
 15 PRIVILEGE PROVIDED BY THIS SUBSECTION IS BEING ABUSED THEY
 16 MAY APPEAL TO THE COUNTY SUPERINTENDENT OF SCHOOLS WHO SHALL
 17 HOLD A HEARING AND EITHER APPROVE OR DISAPPROVE THE
 18 TRANSFER."

19 Section 3. Section 20-5-313, MCA, is amended to read:

20 "20-5-313. Individual tuition for high school pupil.

21 (1) Any child eligible to attend high school may attend
 22 school in any the high school district of his county of
 23 residence in which he resides without payment of tuition.

24 (2) No provision of this title shall be construed to
 25 deny a parent the right to send his child, at his own

1 expense, to any high school outside of his county district
 2 of residence when the parent agrees to pay the tuition
 3 acceptable to the trustees of the high school district
 4 operating such high school. When the attendance is approved,
 5 the parent shall pay tuition at the rate fixed by the
 6 trustees."

7 ~~NEW SECTION--Section 4--Budgeting--levy-requirements~~
 8 ~~and-paying-high-school-tuition--(1)--The-tuition-amount~~
 9 ~~established--in--20-5-312--must--be--paid--during--the--ensuing~~
 10 ~~school--fiscal--year--The--trustees--of--the--high--school--district~~
 11 ~~shall--include--the--tuition--amount--in--the--tuition--fund--of--the~~
 12 ~~preliminary--and--final--budgets--This--budgeted--tuition--amount~~
 13 ~~is--not--subject--to--the--budget--adjustment--provisions--of~~
 14 ~~20-9-132.~~

15 (2)--The-county-superintendent--shall--report--the--net
 16 tuition--fund-levy-requirement--for--each--high--school--district
 17 to--the--county--commissioners--on--the--second--Monday--of--August
 18 and--a--levy--on--the--district--shall--be--made--by--the--county
 19 commissioners--in--accordance--with--20-9-142--This--levy
 20 requirement--shall--be--calculated--by--subtracting--from--the
 21 total--expenditure--amount--authorized--in--the--final--tuition
 22 fund--budget--the--sum--of--the--cash--balance--in--the--tuition--fund
 23 at--the--end--of--the--immediately--preceding--school--fiscal--year
 24 plus--any--other--anticipated--money--that--may--be--realized--in--the
 25 tuition--funds

1 {3}--The--trustees--shall--pay--by--warrants--drawn--on--the
2 tuition--fund--the--tuition--amounts--owed--to--each--district
3 included--in--the--county--superintendent's--notification--under
4 the--provisions--of--20-5-312. Payments--shall--be--made--whenever
5 there--is--a--sufficient--amount--of--cash--available--in--the
6 tuition--fund--but--no--later--than--the--end--of--the--school--fiscal
7 year--for--which--the--budget--is--adopted.

8 Section--5--Section--20-9-334,--MCA--is--amended--to--read:

9 "20-9-334--Apportionment--of--county--equatization--moneys
10 by--county--superintendents.--The--county--superintendent--shall
11 separately--apportion--the--revenues--deposited--in--the--basic
12 county--tax--account--and--the--revenues--deposited--in--the--basic
13 special--tax--for--high--schools--account--to--the--several
14 districts--of--the--county--on--a--quarterly--basis.--The
15 apportionments--shall--be--known--as--"county--equatization
16 moneys".--Before--the--county--superintendent--makes--the
17 quarterly--apportionments,--he--shall:

18 {1}--deduct--from--the--revenues--available--in--the--basic
19 county--tax--account--the--amount--required--for--the--quarter--to
20 pay--the--county's--obligation--for--elementary--transportation
21 reimbursements; and

22 {2}--deduct--from--the--revenues--available--in--the--basic
23 special--tax--for--high--schools--account--the--amount--required--for
24 the--quarter--to--pay--the--county's--obligation--for--high--school
25 out-of-county--tuitions."

-End-

HOUSE OF REPRESENTATIVES
March 15, 1979

Committee of the Whole amendment to Senate Bill No. 273, reference bill,
as follows:

1. Page 2, line 2.
Following: line 1
Strike: "county superintendent"
Insert: "trustees"
Following: "child's"
Strike: "county"
Insert: "district"

AND AS AMENDED,
BE CONCURRED IN

HOUSE OF REPRESENTATIVES

March 19, 1979

Committee of the Whole Amendments to Senate Bill No. 273, reference bill, second printing, as follows:

1. Page 2, line 2.
Strike: "county superintendent"
Insert: "trustees"
2. Page 2, lines 12 and 13.
Strike: "county superintendent"
Insert: "trustees"
3. Page 2, line 17.
Strike: "county superintendent"
Insert: "trustees"
4. Page 2, line 19.
Strike: "county superintendent"
Insert: "trustees"
5. Page 3, line 6.
Strike: "county superintendent"
Insert: "trustees"
6. Page 3, line 7.
Strike: "county superintendent"
Insert: "trustees"
Following: "for"
Strike: "his"
Insert: "their"

AND AS AMENDED
BE CONCURRED IN