

HOUSE BILL NO. 658

INTRODUCED BY NORDTVEDT, YARDLEY,
FABREGA, BERTELSEN, SHONTZ,
WILLIAMS, B. BROWN, NORMAN,
TOWE, TURNAGE, GALT

IN THE HOUSE

January 26, 1983	On motion, rules suspended and bill allowed to be introduced.
February 5, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 7, 1983	Rereferred to Committee on Taxation.
February 15, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, pass consideration.
February 19, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Taxation.
March 9, 1983	Committee recommend bill be concurred in. Report adopted.

March 11, 1983

Second reading, concurred
in.

March 14, 1983

Third reading, concurred
in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 14, 1983

Returned to House.

March 15, 1983

Sent to enrolling.

Reported correctly
enrolled.

1 *House* BILL NO. *658*
 2 INTRODUCED BY *Hardwell Hardy Taylor*
 3 *Bertelmeier Williams Bob Brown Norman*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INSURE THAT THE
 5 FINAL PAYMENT OF STATE EQUALIZATION AID WILL BE WITHHELD
 6 WHEN AN ERRONEOUS CLAIM IS RECEIVED FROM A COUNTY
 7 SUPERINTENDENT OF SCHOOLS; AMENDING SECTION 20-9-344, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 20-9-344, MCA, is amended to read:
 11 "20-9-344. Purpose of state equalization aid and
 12 duties of the board of public education for distribution.
 13 (1) The money available for state equalization aid shall be
 14 distributed and apportioned to provide an annual minimum
 15 operating revenue for the elementary and high schools in
 16 each county, exclusive of revenues required for debt service
 17 and for the payment of any and all costs and expense
 18 incurred in connection with any adult education program,
 19 recreation program, school food services program, new
 20 buildings, new grounds, and transportation.
 21 (2) The board of public education shall administer and
 22 distribute the state equalization aid in the manner and with
 23 the powers and duties provided by law. To this end, the
 24 board of public education shall:
 25 (a) adopt policies for regulating the distribution of

1 state equalization aid in accordance with the provisions of
 2 law;
 3 (b) have the power to require such reports from the
 4 county superintendents, budget boards, county treasurers,
 5 and trustees as it may deem necessary; and
 6 (c) order the superintendent of public instruction to
 7 distribute the state equalization aid on the basis of each
 8 district's annual entitlement to such aid as established by
 9 the superintendent of public instruction. In ordering the
 10 distribution of state equalization aid, the board of public
 11 education shall not increase or decrease the state
 12 equalization aid distribution to any district on account of
 13 any difference which may occur during the school fiscal year
 14 between budgeted and actual receipts from any other source
 15 of school revenue.
 16 (3) Should a district receive more state equalization
 17 aid than it is entitled to, the county treasurer must return
 18 the overpayment to the state upon the request of the
 19 superintendent of public instruction in the manner
 20 prescribed by the department of administration.
 21 (4) If an erroneous claim for state equalization aid
 22 is made by a county superintendent, the board of public
 23 education shall require the superintendent of public
 24 instruction to withhold that year's final state equalization
 25 aid payment to the county treasurer until the county's claim

1 is_corrected."

-End-

Rereferred and
Approved by committee
On Taxation

HOUSE BILL NO. 658

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FABREGA, BERTELSEN, SHONTZ,

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TOME, TURNAGE, GALT

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WHEN AN ERRONEOUS CLAIM IS RECEIVED FROM A COUNTY
SUPERINTENDENT OF SCHOOLS; AMENDING SECTION 20-9-344, MCA
~~PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION~~
~~DATE."~~

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each county, exclusive of revenues required for debt service
and for the payment of any and all costs and expense
incurred in connection with any adult education program,
recreation program, school food services program, new
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distribute the state equalization aid in the manner and with
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law;

(b) have the power to require such reports from the
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and trustees as it may deem necessary; and

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district's annual entitlement to such aid as established by
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education shall not increase or decrease the state
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any difference which may occur during the school fiscal year
between budgeted and actual receipts from any other source
of school revenue.

(3) Should a district receive more state equalization
aid than it is entitled to, the county treasurer must return
the overpayment to the state upon the request of the
superintendent of public instruction in the manner
prescribed by the department of administration.

1 (4) If an erroneous claim for state equalization aid
2 OR AN ERRONEOUS REIMBURSEMENT OF EXCESS SCHOOL EQUALIZATION
3 FUNDS is made by a county superintendent THROUGH FAILURE TO
4 INCLUDE VEHICLE FEE REVENUE OR STATE REIMBURSEMENT REVENUE
5 CREDITED TO THE ELEMENTARY AND HIGH SCHOOL EQUALIZATION
6 LEVIES OR PERMISSIVE LEVIES, the board of public education
7 shall require the superintendent of public instruction to
8 withhold ADJUST that year's final state equalization aid
9 payment PAYMENTS to the county treasurer until the county's
10 claim is corrected OR SHALL TAKE LEGAL ACTION TO FULLY
11 RECOVER SCHOOL EQUALIZATION AID FUNDS FROM A COUNTY WITH
12 EXCESS SCHOOL EQUALIZATION AID COLLECTIONS."

13 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
14 PASSAGE AND APPROVAL.

15 SECTION 3. TERMINATION DATE. SECTION 1(4) OF THIS ACT
16 TERMINATES ON JANUARY 1, 1985.

-End-

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district's annual entitlement to such aid as established by
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