

HOUSE BILL NO. 144

INTRODUCED BY MARKS, ASAY, DONALDSON, LANE,
YELLOWTAIL, H. HAMMOND, EUDAILY, KEYSER

IN THE HOUSE

January 11, 1985	Introduced and referred to Committee on Education and Cultural Resources.
January 22, 1985	Committee recommend bill do pass as amended. Report adopted.
January 23, 1985	Bill printed and placed on members' desks.
January 25, 1985	Second reading, do pass. Considered correctly engrossed.
January 26, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 28, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 12, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
February 15, 1985	Second reading, concurred in.
February 18, 1985	Third reading, concurred in. Ayes, 48; Noes, 0. Returned to House with amendments.

IN THE HOUSE

February 19, 1985

Received from Senate.

March 5, 1985

Second reading, amendments
concurrent in.

March 6, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 144

INTRODUCED BY

Asay
Yellowtail
Bozeman

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT AT LEAST ONE-HALF OF ANY HIGH SCHOOL TUITION OBLIGATIONS FOR PUPILS ATTENDING HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE BE PAID IN DECEMBER AND THE REMAINDER BE PAID NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR; AMENDING SECTION 20-5-312, MCA."

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

Section 1. Section 20-5-312, MCA, is amended to read:

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

(a) totaling the actual expenditures from the district general fund, the debt service fund, and, if the pupil is a resident of another county, the retirement fund;

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

(c) subtracting the total of the per-ANB amount

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

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

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

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

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

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

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

(4) When the district superintendent receives a tuition report or reports for high school pupils residing in his district and attending an out-of-district high school



1 under approved tuition agreements, he shall determine the
 2 total amount of tuition due such out-of-district high
 3 schools on the basis of the following per-pupil schedule:
 4 the rate of tuition, number of pupils attending under an
 5 approved tuition agreement, and other information provided
 6 by each high school district where resident district pupils
 7 have attended school.

8 (5) The total amount of the high school tuition, with
 9 consideration of any tuition waivers, for pupils attending a
 10 high school outside the county of residence shall be
 11 financed by the county basic special tax for high schools as
 12 provided in 20-9-334. In December, the county superintendent
 13 shall cause the payment by county warrant of at least
 14 one-half of the high school tuition obligations established
 15 under this section out of the first moneys realized from the
 16 county basic special tax for high schools. The remaining
 17 obligations must be paid no later than the end of the school
 18 fiscal year. The payment payments shall be made to the
 19 county treasurer of the county where each high school
 20 entitled to tuition is located. The county treasurer shall
 21 credit such tuition receipts to the general fund of the
 22 applicable high school district, and the tuition receipts
 23 shall be used in accordance with the provisions of 20-9-141.

24 (6) For pupils attending a high school outside their
 25 district of residence but within the county of residence,

1 the total amount of the tuition, with consideration of any
 2 tuition waivers, must be paid during the ensuing school
 3 fiscal year. The trustees of the sending high school
 4 district shall include the tuition amount in the tuition
 5 fund of the preliminary and final budgets. This budgeted
 6 tuition amount is not subject to the budget adjustment
 7 provisions of 20-9-132. The county superintendent shall
 8 report the net tuition fund levy requirement for each high
 9 school district to the county commissioners on the second
 10 Monday of August, and a levy on the district shall be made
 11 by the county commissioners in accordance with 20-9-142.
 12 This levy requirement shall be calculated by subtracting
 13 from the total expenditure amount authorized in the final
 14 tuition fund budget the sum of the cash balance in the
 15 tuition fund at the end of the immediately preceding school
 16 fiscal year plus any other anticipated money that may be
 17 realized in the tuition fund. The trustees shall pay by
 18 warrants drawn on the tuition fund the tuition amounts owed
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 20 notification. Payments shall be made whenever there is a
 21 sufficient amount of cash available in the tuition fund but
 22 no later than the end of the school fiscal year for which
 23 the budget is adopted. However, if the trustees of either
 24 the sending or receiving high school feel the transfer
 25 privilege provided by this subsection is being abused they

1 may appeal to the county superintendent of schools who shall
2 hold a hearing and either approve or disapprove the
3 transfer."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 144

INTRODUCED BY MARKS, ASAY, DONALDSON, LANE,
YELLOWTAIL, H. HAMMOND, EUDAILY, KEYSER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT AT
LEAST ONE-HALF OF ANY HIGH SCHOOL TUITION OBLIGATIONS FOR
PUPILS ATTENDING HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE
BE PAID IN-BECEMBER-AND-THE-REMAINDER-BE-PAID-NO-LATER--THAN
THE--END BY JUNE 1 OF THE SCHOOL FISCAL YEAR; AMENDING
SECTION 20-5-312, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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school tuition. (1) At the close of the school term of each
school fiscal year, the trustees of each high school
district shall determine the rate of tuition for the current
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(a) totaling the actual expenditures from the district
general fund, the debt service fund, and, if the pupil is a
resident of another county, the retirement fund;

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

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

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

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

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

(c) the amount, if any, of each pupil's tuition
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the authority to waive; and

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

(3) When the county superintendent receives a tuition
report from a district, he shall immediately send the
reported information to the superintendent of each district
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(4) When the district superintendent receives a
tuition report or reports for high school pupils residing in

1 his district and attending an out-of-district high school
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 3 total amount of tuition due such out-of-district high
 4 schools on the basis of the following per-pupil schedule:
 5 the rate of tuition, number of pupils attending under an
 6 approved tuition agreement, and other information provided
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 8 have attended school.

9 (5) The total amount of the high school tuition, with
 10 consideration of any tuition waivers, for pupils attending a
 11 high school outside the county of residence shall be
 12 financed by the county basic special tax for high schools as
 13 provided in 20-9-334. In December, the county superintendent
 14 shall cause the payment by county warrant of at least
 15 one-half of the high school tuition obligations established
 16 under this section out of the first moneys realized from the
 17 county basic special tax for high schools. The remaining
 18 obligations must be paid no-later-than-the-end BY JUNE 1 of
 19 the school fiscal year. The payment payments shall be made
 20 to the county treasurer of the county where each high school
 21 entitled to tuition is located. The county treasurer shall
 22 credit such tuition receipts to the general fund of the
 23 applicable high school district, and the tuition receipts
 24 shall be used in accordance with the provisions of 20-9-141.

25 (6) For pupils attending a high school outside their

1 district of residence but within the county of residence,
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 7 tuition amount is not subject to the budget adjustment
 8 provisions of 20-9-132. The county superintendent shall
 9 report the net tuition fund levy requirement for each high
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 11 Monday of August, and a levy on the district shall be made
 12 by the county commissioners in accordance with 20-9-142.
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 24 the budget is adopted. However, if the trustees of either
 25 the sending or receiving high school feel the transfer

1 privilege provided by this subsection is being abused they
2 may appeal to the county superintendent of schools who shall
3 hold a hearing and either approve or disapprove the
4 transfer."

5 NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS
6 EFFECTIVE JULY 1, 1985.

-End-

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2 INTRODUCED BY MARKS, ASAY, DONALDSON, LANE,

3 YELLOWTAIL, H. HAMMOND, EUDAILY, KEYSER

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14 "20-5-312. Reporting, budgeting, and payment for high
15 school tuition. (1) At the close of the school term of each
16 school fiscal year, the trustees of each high school
17 district shall determine the rate of tuition for the current
18 school fiscal year by:

19 (a) totaling the actual expenditures from the district
20 general fund, the debt service fund, and, if the pupil is a
21 resident of another county, the retirement fund;

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

1 (c) subtracting the total of the per-ANB amount
2 allowed by 20-9-316 through 20-9-321 that represents the
3 foundation program as prescribed by 20-9-303 plus the
4 per-ANB amount determined by dividing the state financing of
5 the district permissive levy by the ANB of the district,
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7 (2) Before July 15, the trustees shall report to the
8 county superintendent of the county in which the district is
9 located:

10 (a) the names, addresses, and resident districts of
11 the pupils attending the schools of the district under an
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-End-

SENATE

STANDING COMMITTEE REPORT

February 11, 1985

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 144

third reading copy (blue color)

(Senator Yellowtail will carry the bill.)

TO PROVIDE THAT HIGH SCHOOL TUITION PAYMENTS BE PAID IN DECEMBER AND JUNE

Respectfully report as follows: That HOUSE BILL No. 144

be amended as follows:

1. Title, line 9.
Following: JUNE
Strike: 1
Insert: 15

2. Page 3, line 18.
Following: JUNE
Strike: 1
Insert: 15

KB AND AS AMENDED BE CONCURRED IN

XXXXXX

XXXXXX

Chet B. Baylock
Senator Chet Baylock, Chairman.

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