

HOUSE BILL NO. 765

2/11 Introduced
2/11 Referred to Education & Cultural Resources
2/18 Hearing
Died in Committee

1 *House* BILL NO. 765
 2 INTRODUCED BY *Hearn*
 3 *Walden Hearn*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE A LIMITATION
 5 ON THE GENERAL FUND BUDGET OF ANY SCHOOL DISTRICT; AMENDING
 6 SECTION 20-9-353, MCA."
 7

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

9 NEW SECTION. Section 1. Limitation on general fund
 10 budget. (1) Except as provided in subsection (2), the
 11 trustees of any district may not propose to adopt, as
 12 provided in 20-9-353, a total general fund budget per ANB
 13 that exceeds the previous school fiscal year's total general
 14 fund budget per ANB by more than the average annual
 15 percentage change in Montana total personal income for the 5
 16 most recently completed calendar years for which Montana
 17 total personal income data are available as certified by the
 18 department of revenue. As used in this section, "Montana
 19 total personal income" means the current income received
 20 during a particular period of time by persons residing
 21 within Montana from all sources, inclusive of transfers from
 22 government and business but exclusive of transfers between
 23 persons, as determined by the bureau of economic analysis,
 24 U.S. department of commerce.

25 (2) The limitation on the general fund budget of any

1 school district provided in subsection (1) does not apply to
 2 a school district that encounters an emergency situation as
 3 defined in 20-9-161.

4 NEW SECTION. Section 2. Power of the superintendent
 5 of public instruction to reduce budgets. The superintendent
 6 of public instruction shall annually review the budget of
 7 each school district to determine the extent to which the
 8 district's general fund budget conforms to the budget limit
 9 prescribed in [section 1]. If a school district exceeds the
 10 general fund budget limit, the superintendent of public
 11 instruction shall reduce the payment to the district from
 12 the foundation program, as defined in 20-9-303, by the
 13 amount exceeded.

14 Section 3. Section 20-9-353, MCA, is amended to read:
 15 "20-9-353. Additional levy for general fund --
 16 election for authorization to impose. (1) The Except as
 17 provided in [section 1], the trustees of any district may
 18 propose to adopt a general fund budget in excess of the
 19 general fund budget amount for such district as established
 20 by the schedules in 20-9-316 through 20-9-321 for any of the
 21 following purposes:

22 (a) building, altering, repairing, or enlarging any
 23 schoolhouse of the district;

24 (b) furnishing additional school facilities for the
 25 district;

(c) acquisition of land for the district;

(d) proper maintenance and operation of the school programs of the district.

(2) When the trustees of any district determine that an additional amount of financing is required for the general fund budget that is in excess of the statutory schedule amount, the trustees shall submit the proposition of an additional levy to raise such excess amount of general fund financing to the electors who are qualified under 20-20-301 to vote upon such proposition except that no election shall be required to permit the school trustees to use federal funds received under Title I of Public Law 81-874 to increase the school district's general fund budget as established in 20-9-316 through 20-9-321 by the amount of these funds. Such special election shall be called and conducted in the manner prescribed by this title for school elections. The ballot for such election shall state the amount of money to be raised by additional property taxation, the approximate number of mills required to raise such money, and the purpose for which such money will be expended, and it shall be in the following format:

PROPOSITION

Shall a levy be made in addition to the levies authorized by law in such number of mills as may be necessary to raise the sum of (state the amount to be raised

by additional tax levy), and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional tax levy is made)?

FOR the additional levy.

AGAINST the additional levy.

(3) If the election on any additional levy for the general fund is approved by a majority vote of those electors voting at such election, the proposition shall carry and the trustees may use any portion or all of the authorized amount in adopting the preliminary general fund budget. The trustees shall certify the additional levy amount authorized by such a special election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy such number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141, as are required to raise the amount of such additional levy.

(4) Authorization to levy an additional tax under the provisions of this section shall be effective for only 1 school fiscal year and shall be authorized by a special election conducted before August 1 of the school fiscal year for which it is effective."

NEW SECTION. Section 4. Codification instruction. Sections 1 and 2 are intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of

LC 1610/01

1 Title 20 apply to sections 1 and 2.

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