

SENATE BILL NO. 305

2/01 Introduced  
2/02 Referred to Education & Cultural Resources  
2/13 Hearing  
2/20 Adverse Committee Report  
2/20 Bill Killed

1 *Senate* BILL NO. 305  
 2 INTRODUCED BY Hoyt Reberg  
 3 *Valley*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES  
 5 OF ANY SCHOOL DISTRICT TO USE A FINANCIAL INSTITUTION AS AN  
 6 OPTION TO THE DUTIES OF THE COUNTY TREASURER AS FISCAL AGENT  
 7 FOR THE SCHOOL DISTRICT; AMENDING SECTIONS 7-6-2801 AND  
 8 20-9-212, MCA."

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

11 Section 1. Section 7-6-2801, MCA, is amended to read:

12 "7-6-2801. Management of school funds. The county  
 13 treasurer must:

14 (1) keep all school money in a separate fund and keep  
 15 a separate account of its disbursement to the several school  
 16 districts which are entitled to receive it, according to the  
 17 apportionment of the county superintendent of schools;

18 (2) notify the county superintendent of the amount of  
 19 the county school fund in the county treasury subject to  
 20 apportionment, whenever required, and inform him of the  
 21 amount of school money belonging to any other fund subject  
 22 to apportionment, or as otherwise provided by law;

23 (3) except as provided in [section 3], pay all  
 24 warrants drawn on county or district school money, in  
 25 accordance with the provisions of law, whenever such

1 warrants are countersigned by the district clerk and  
 2 properly endorsed by the holders;

3 (4) make annually, during the month of September, a  
 4 financial report for the preceding year ending August 31 to  
 5 the county superintendent, in such form as is required by  
 6 him."

7 Section 2. Section 20-9-212, MCA, is amended to read:

8 "20-9-212. Duties of county treasurer. The Except as  
 9 provided in [section 3], the county treasurer of each county  
 10 shall:

11 (1) receive and hold all school money subject to  
 12 apportionment and keep a separate accounting of its  
 13 apportionment to the several districts which are entitled to  
 14 a portion of such money according to the apportionments  
 15 ordered by the county superintendent. A separate accounting  
 16 shall be maintained for each county fund supported by a  
 17 countywide levy for a specific, authorized purpose,  
 18 including:

19 (a) the basic county tax in support of the elementary  
 20 foundation programs;

21 (b) the basic special tax for high schools in support  
 22 of the high school foundation programs;

23 (c) the county tax in support of the county's high  
 24 school transportation obligation;

25 (d) the county tax in support of the high school

1 obligations to the retirement systems of the state of  
2 Montana;

3 (e) any additional county tax required by law to  
4 provide for deficiency financing of the elementary  
5 foundation programs;

6 (f) any additional county tax required by law to  
7 provide for deficiency financing of the high school  
8 foundation programs; and

9 (g) any other county tax for schools, including the  
10 community colleges, which may be authorized by law and  
11 levied by the county commissioners;

12 (2) whenever requested, notify the county  
13 superintendent and the superintendent of public instruction  
14 of the amount of county school money on deposit in each of  
15 the funds enumerated in subsection (1) of this section and  
16 the amount of any other school money subject to  
17 apportionment and apportion such county and other school  
18 money to the districts in accordance with the apportionment  
19 ordered by the county superintendent;

20 (3) keep a separate accounting of the expenditures for  
21 each budgeted fund included in the final budget of each  
22 district;

23 (4) keep a separate accounting of the receipts,  
24 expenditures, and cash balances for each budgeted fund  
25 included in the final budget of each district and for each

1 nonbudgeted fund established by each district;

2 (5) except as otherwise limited by law, pay all  
3 warrants properly drawn on the county or district school  
4 money and properly endorsed by their holders;

5 (6) receive all revenue collected by and for each  
6 district and deposit these receipts in the fund designated  
7 by law or by the district if no fund is designated by law.  
8 Interest and penalties on delinquent school taxes shall be  
9 credited to the same fund and district for which the  
10 original taxes were levied.

11 (7) send all revenues received for a joint district,  
12 part of which is situated in his county, to the county  
13 treasurer designated as the custodian of such revenues, no  
14 later than December 15 of each year and every 3 months  
15 thereafter until the end of the school fiscal year;

16 (8) register district warrants drawn on a budgeted  
17 fund in accordance with 7-6-2604 when there is insufficient  
18 money available in the sum of money in all funds of the  
19 district to make payment of such warrant. Redemption of  
20 registered warrants shall be made in accordance with  
21 7-6-2116, 7-6-2605, and 7-6-2606.

22 (9) invest the money of any district as directed by  
23 the trustees of the district;

24 (10) give each month to the trustees of each district  
25 an itemized report for each fund maintained by the district,

1 showing the paid warrants, outstanding warrants, registered  
2 warrants, amounts and types of revenue received, and the  
3 cash balance; and

4 (11) remit promptly to the state treasurer receipts for  
5 the county tax for a postsecondary vocational-technical  
6 center when levied by the board of county commissioners."

7 NEW SECTION. Section 3. Use of financial institution  
8 as option to county treasurer duties. The trustees of any  
9 district may:

10 (1) request the county treasurer to remit promptly to  
11 the clerk of the district all money to be apportioned to the  
12 district from the countywide levy funds maintained by the  
13 county treasurer in 20-9-212(1)(a) through (1)(g) and all  
14 revenue received under 20-9-212(6); and

15 (2) deposit the money received under the provisions of  
16 subsection (1) in any solvent financial institution or  
17 financial institutions located in the county where the  
18 school district is located. The financial institution or  
19 financial institutions must be subject to national or state  
20 examination.

21 NEW SECTION. Section 4. Codification instruction.  
22 Section 3 is intended to be codified as an integral part of  
23 Title 20, chapter 9, part 2, and the provisions of Title 20  
24 apply to section 3.

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