

SENATE BILL NO. 320

INTRODUCED BY TVEIT, NATHE, GILBERT, H. HAMMOND,
HOLLIDAY, B. WILLIAMS, SCHULTZ, IVERSON, ERNST,
HANSON, DEVLIN, SWITZER, BOYLAN, E. SMITH,
HARDING, LANE, MANUEL, POFF, SCHYE, CODY,
ANDERSON, STEPHENS, GAGE, CONOVER,
ABRAMS, SHAW, AKLESTAD, PECK

IN THE SENATE

February 4, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1985	Committee recommend bill do pass as amended. Report adopted.
February 18, 1985	Bill printed and placed on members' desks.
February 19, 1985	Second reading, do pass.
February 20, 1985	Considered correctly engrossed.
February 21, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Education and Cultural Resources.
March 26, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 30, 1985	Second reading, concurrred in.

April 1, 1985

Third reading, concurred in.

Returned to Senate with
amendments.

IN THE SENATE

April 1, 1985

Received from House.

April 3, 1985

Second reading, amendments
concurred in.

April 5, 1985

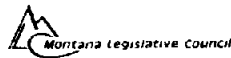
Third reading, amendments
concurred in. Ayes, 45; Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *320* *Thompson*
 2 INTRODUCED BY *Tweet* NATHAN *Callahan*
 3 *B. L. Williams* *Edna* *M. Hanson* *Clinton Switzer*
 4 *Alabama* *Delaney* *Jasper* *AKLESTAD* *Rock*
 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A COUNTY
 5 TREASURER TO IMMEDIATELY REMIT TO THE STATE TREASURER FOR
 6 DEPOSIT IN THE STATE EQUALIZATION AID ACCOUNT ANY SURPLUS
 7 BALANCE FROM THE BASIC COUNTY LEVIES FOR ELEMENTARY AND HIGH
 8 SCHOOL DISTRICTS; TO REQUIRE A COUNTY SUPERINTENDENT TO
 9 APPORTION THE BASIC COUNTY LEVY REVENUES TO THE DISTRICTS ON
 10 A MONTHLY BASIS; AMENDING 20-9-331, 20-9-333, AND 20-9-334,
 11 MCA; AND PROVIDING AN EFFECTIVE DATE."
 12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 20-9-331, MCA, is amended to read:
 15 "20-9-331. Basic county tax and other revenues for
 16 county equalization of the elementary district foundation
 17 program. (1) It shall be the duty of the county
 18 commissioners of each county to levy an annual basic tax of
 19 28 mills on the dollars of the taxable value of all taxable
 20 property within the county for the purposes of local and
 21 state foundation program support. The revenue to be
 22 collected from this levy shall be apportioned to the support
 23 of the foundation programs of the elementary school
 24 districts in the county and to the state special revenue
 25 fund, state equalization aid account, in the following

1 manner:
 2 (a) In order to determine the amount of revenue raised
 3 by this levy which is retained by the county, the sum of the
 4 estimated revenues identified in subsections (2)(a) through
 5 (2)(f)(e) below shall be subtracted from the sum of the
 6 county elementary transportation obligation and the total of
 7 the foundation programs of all elementary districts of the
 8 county.
 9 (b) If the basic levy prescribed by this section
 10 produces more revenue than is required to finance the
 11 difference determined above, ~~the county commissioners shall~~
 12 order the county treasurer to shall remit the surplus funds
 13 to the state treasurer for deposit to the state special
 14 revenue fund, state equalization aid account, ~~not later than~~
 15 immediately upon occurrence of a surplus balance and each
 16 subsequent month thereafter until June 1 of the fiscal year
 17 for which the levy has been set.
 18 (2) The proceeds realized from the county's portion of
 19 the levy prescribed by this section and the revenues from
 20 the following sources shall be used for the equalization of
 21 the elementary district foundation programs of the county as
 22 prescribed in 20-9-334, and a separate accounting shall be
 23 kept of such proceeds and revenues by the county treasurer
 24 in accordance with 20-9-212(1):
 25 (a) the portion of the federal Taylor Grazing Act



1 funds distributed to a county and designated for the common
2 school fund under the provisions of 17-3-222;

3 (b) the portion of the federal flood control act funds
4 distributed to a county and designated for expenditure for
5 the benefit of the county common schools under the
6 provisions of 17-3-232;

7 (c) all money paid into the county treasury as a
8 result of fines for violations of law and the use of which
9 is not otherwise specified by law;

10 (d) any money remaining at the end of the immediately
11 preceding school fiscal year in the county treasurer's
12 account for the various sources of revenue established or
13 referred to in this section; and

14 (e) any federal or state money, including anticipated
15 motor vehicle fees and reimbursement under the provisions of
16 61-3-532 and 61-3-536, distributed to the county as payment
17 in lieu of the property taxation established by the county
18 levy required by this section."

19 Section 2. Section 20-9-333, MCA, is amended to read:
20 "20-9-333. Basic special levy and other revenues for
21 county equalization of high school district foundation
22 program. (1) It shall be the duty of the county
23 commissioners of each county to levy an annual basic special
24 tax for high schools of 17 mills on the dollar of the
25 taxable value of all taxable property within the county for

1 the purposes of local and state foundation program support.
2 The revenue to be collected from this levy shall be
3 apportioned to the support of the foundation programs of
4 high school districts in the county and to the state special
5 revenue fund, state equalization aid account, in the
6 following manner:

7 (a) In order to determine the amount of revenue raised
8 by this levy which is retained by the county, the estimated
9 revenues identified in subsections (2)(a) and (2)(b) below
10 shall be subtracted from the sum of the county's high school
11 tuition obligation and the total of the foundation programs
12 of all high school districts of the county.

13 (b) If the basic levy prescribed by this section
14 produces more revenue than is required to finance the
15 difference determined above, ~~the county commissioners shall~~
16 ~~order~~ the county treasurer to shall remit the surplus to the
17 state treasurer for deposit to the state special revenue
18 fund, state equalization aid account, ~~not--later--than~~
19 immediately upon occurrence of a surplus balance and each
20 subsequent month thereafter until June 1 of the fiscal year
21 for which the levy has been set.

22 (2) The proceeds realized from the county's portion of
23 the levy prescribed in this section and the revenues from
24 the following sources shall be used for the equalization of
25 the high school district foundation programs of the county

1 as prescribed in 20-9-334, and a separate accounting shall
 2 be kept of these proceeds by the county treasurer in
 3 accordance with 20-9-212(1):

4 (a) any money remaining at the end of the immediately
 5 preceding school fiscal year in the county treasurer's
 6 account for deposit of the proceeds from the levy
 7 established in this section; and

8 (b) any federal or state moneys, including anticipated
 9 motor vehicle fees and reimbursement under the provisions of
 10 61-3-532 and 61-3-536, distributed to the county as a
 11 payment in lieu of the property taxation established by the
 12 county levy required by this section."

13 Section 3. Section 20-9-334, MCA, is amended to read:

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

23 (1) deduct from the revenues available in the basic
 24 county tax account the amount required for the quarter month
 25 to pay the county's obligation for elementary transportation

1 reimbursements; and

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

6 NEW SECTION. Section 4. Effective date. This act is
 7 effective July 1, 1985.

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 320

INTRODUCED BY TVEIT, NATHE, GILBERT, H. HAMMOND,
HOLLIDAY, B. WILLIAMS, SCHULTZ, IVERSON, ERNST,
HANSON, DEVLIN, SWITZER, BOYLAN, E. SMITH,
HARDING, LANE, MANUEL, POFF, SCHYE, CODY,
ANDERSON, STEPHENS, GAGE, CONOVER,
ABRAMS, SHAW, AKLESTAD, PECK

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A COUNTY
TREASURER TO IMMEDIATELY REMIT TO THE STATE TREASURER FOR
DEPOSIT IN THE STATE EQUALIZATION AID ACCOUNT ANY SURPLUS
BALANCE FROM THE BASIC COUNTY LEVIES FOR ELEMENTARY AND HIGH
SCHOOL DISTRICTS; TO REQUIRE A COUNTY SUPERINTENDENT TO
APPORTION THE BASIC COUNTY LEVY REVENUES TO THE DISTRICTS ON
A MONTHLY BASIS; AMENDING 20-9-331, 20-9-333, AND 20-9-334,
MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-9-331, MCA, is amended to read:

"20-9-331. Basic county tax and other revenues for
county equalization of the elementary district foundation
program. (1) It shall be the duty of the county
commissioners of each county to levy an annual basic tax of
28 mills on the dollars of the taxable value of all taxable
property within the county for the purposes of local and

state foundation program support. The revenue to be
collected from this levy shall be apportioned to the support
of the foundation programs of the elementary school
districts in the county and to the state special revenue
fund, state equalization aid account, in the following
manner:

(a) In order to determine the amount of revenue raised
by this levy which is retained by the county, the sum of the
estimated revenues identified in subsections (2)(a) through
(2)(f)(e) below shall be subtracted from the sum of the
county elementary transportation obligation and the total of
the foundation programs of all elementary districts of the
county.

(b) If the basic levy prescribed by this section
produces more revenue than is required to finance the
difference determined above, ~~the county commissioners shall~~
~~order the county treasurer to shall~~ remit the surplus funds
to the state treasurer for deposit to the state special
revenue fund, state equalization aid account, ~~not later than~~
immediately upon occurrence of a surplus balance and each
subsequent month thereafter until June 1 of the fiscal year
for which the levy has been set.

(2) The proceeds realized from the county's portion of
the levy prescribed by this section and the revenues from
the following sources shall be used for the equalization of

1 the elementary district foundation programs of the county as
 2 prescribed in 20-9-334, and a separate accounting shall be
 3 kept of such proceeds and revenues by the county treasurer
 4 in accordance with 20-9-212(1):

5 (a) the portion of the federal Taylor Grazing Act
 6 funds distributed to a county and designated for the common
 7 school fund under the provisions of 17-3-222;

8 (b) the portion of the federal flood control act funds
 9 distributed to a county and designated for expenditure for
 10 the benefit of the county common schools under the
 11 provisions of 17-3-232;

12 (c) all money paid into the county treasury as a
 13 result of fines for violations of law and the use of which
 14 is not otherwise specified by law;

15 (d) any money remaining at the end of the immediately
 16 preceding school fiscal year in the county treasurer's
 17 account for the various sources of revenue established or
 18 referred to in this section; and

19 (e) any federal or state money, including anticipated
 20 motor vehicle fees and reimbursement under the provisions of
 21 61-3-532 and 61-3-536, distributed to the county as payment
 22 in lieu of the property taxation established by the county
 23 levy required by this section."

24 Section 2. Section 20-9-333, MCA, is amended to read:

25 "20-9-333. Basic special levy and other revenues for

1 county equalization of high school district foundation
 2 program. (1) It shall be the duty of the county
 3 commissioners of each county to levy an annual basic special
 4 tax for high schools of 17 mills on the dollar of the
 5 taxable value of all taxable property within the county for
 6 the purposes of local and state foundation program support.
 7 The revenue to be collected from this levy shall be
 8 apportioned to the support of the foundation programs of
 9 high school districts in the county and to the state special
 10 revenue fund, state equalization aid account, in the
 11 following manner:

12 (a) In order to determine the amount of revenue raised
 13 by this levy which is retained by the county, the estimated
 14 revenues identified in subsections (2)(a) and (2)(b) below
 15 shall be subtracted from the sum of the county's high school
 16 tuition obligation and the total of the foundation programs
 17 of all high school districts of the county.

18 (b) If the basic levy prescribed by this section
 19 produces more revenue than is required to finance the
 20 difference determined above, ~~the county commissioners shall~~
 21 ~~order~~ the county treasurer to shall remit the surplus to the
 22 state treasurer for deposit to the state special revenue
 23 fund, state equalization aid account, ~~not--later--than~~
 24 immediately upon occurrence of a surplus balance and each
 25 subsequent month thereafter until June 1 of the fiscal year

1 for which the levy has been set.

2 (2) The proceeds realized from the county's portion of
3 the levy prescribed in this section and the revenues from
4 the following sources shall be used for the equalization of
5 the high school district foundation programs of the county
6 as prescribed in 20-9-334, and a separate accounting shall
7 be kept of these proceeds by the county treasurer in
8 accordance with 20-9-212(1):

9 (a) any money remaining at the end of the immediately
10 preceding school fiscal year in the county treasurer's
11 account for deposit of the proceeds from the levy
12 established in this section; and

13 (b) any federal or state moneys, including anticipated
14 motor vehicle fees and reimbursement under the provisions of
15 61-3-532 and 61-3-536, distributed to the county as a
16 payment in lieu of the property taxation established by the
17 county levy required by this section."

18 Section 3. Section 20-9-334, MCA, is amended to read:

19 "20-9-334. Apportionment of county equalization moneys
20 by county superintendent. The county superintendent shall
21 separately apportion the revenues deposited in the basic
22 county tax account and the revenues deposited in the basic
23 special tax for high schools account to the several
24 districts of the county on a quarterly monthly basis. The
25 apportionments shall be known as "county equalization

1 moneys". Before the county superintendent makes the
2 quarterly monthly apportionments, he shall:

3 (1) deduct from the revenues available in the basic
4 county tax account the amount required for the quarter month
5 to pay the county's obligation for elementary transportation
6 reimbursements; and

7 (2) deduct from the revenues available in the basic
8 special tax for high schools account the amount required for
9 the quarter month to pay the county's obligation for high
10 school out-of-county tuition."

11 NEW SECTION. Section 4. Effective date. This act is
12 effective July 1, 1985.

-End-

1 SENATE BILL NO. 320

2 INTRODUCED BY TVEIT, NATHE, GILBERT, H. HAMMOND,

3 HOLLIDAY, B. WILLIAMS, SCHULTZ, IVERSON, ERNST,

4 HANSON, DEVLIN, SWITZER, BOYLAN, E. SMITH,

5 HARDING, LANE, MANUEL, POFF, SCHYE, CODY,

6 ANDERSON, STEPHENS, GAGE, CONOVER,

7 ABRAMS, SHAW, AKLESTAD, PECK

8
 9 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A COUNTY
 10 TREASURER TO IMMEDIATELY REMIT TO THE STATE TREASURER FOR
 11 DEPOSIT IN THE STATE EQUALIZATION AID ACCOUNT ANY SURPLUS
 12 BALANCE FROM THE BASIC COUNTY LEVIES FOR ELEMENTARY AND HIGH
 13 SCHOOL DISTRICTS; TO REQUIRE A COUNTY SUPERINTENDENT TO
 14 APPORTION THE BASIC COUNTY LEVY REVENUES TO THE DISTRICTS ON
 15 A MONTHLY BASIS; AMENDING 20-9-331, 20-9-333, AND 20-9-334,
 16 MCA; AND PROVIDING AN EFFECTIVE DATE."

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 Section 1. Section 20-9-331, MCA, is amended to read:

20 "20-9-331. Basic county tax and other revenues for
 21 county equalization of the elementary district foundation
 22 program. (1) It shall be the duty of the county
 23 commissioners of each county to levy an annual basic tax of
 24 28 mills on the dollars of the taxable value of all taxable
 25 property within the county for the purposes of local and

1 state foundation program support. The revenue to be
 2 collected from this levy shall be apportioned to the support
 3 of the foundation programs of the elementary school
 4 districts in the county and to the state special revenue
 5 fund, state equalization aid account, in the following
 6 manner:

7 (a) In order to determine the amount of revenue raised
 8 by this levy which is retained by the county, the sum of the
 9 estimated revenues identified in subsections (2)(a) through
 10 (2)(f)(e) below shall be subtracted from the sum of the
 11 county elementary transportation obligation and the total of
 12 the foundation programs of all elementary districts of the
 13 county.

14 (b) If the basic levy prescribed by this section
 15 produces more revenue than is required to finance the
 16 difference determined above, ~~the county commissioners shall~~
 17 order the county treasurer to shall remit the surplus funds
 18 to the state treasurer for deposit to the state special
 19 revenue fund, state equalization aid account, ~~not later than~~
 20 immediately upon occurrence of a surplus balance and each
 21 subsequent month thereafter until June 1 of the fiscal year
 22 for which the levy has been set.

23 (2) The proceeds realized from the county's portion of
 24 the levy prescribed by this section and the revenues from
 25 the following sources shall be used for the equalization of

1 the elementary district foundation programs of the county as
 2 prescribed in 20-9-334, and a separate accounting shall be
 3 kept of such proceeds and revenues by the county treasurer
 4 in accordance with 20-9-212(1):

5 (a) the portion of the federal Taylor Grazing Act
 6 funds distributed to a county and designated for the common
 7 school fund under the provisions of 17-3-222;

8 (b) the portion of the federal flood control act funds
 9 distributed to a county and designated for expenditure for
 10 the benefit of the county common schools under the
 11 provisions of 17-3-232;

12 (c) all money paid into the county treasury as a
 13 result of fines for violations of law and the use of which
 14 is not otherwise specified by law;

15 (d) any money remaining at the end of the immediately
 16 preceding school fiscal year in the county treasurer's
 17 account for the various sources of revenue established or
 18 referred to in this section; and

19 (e) any federal or state money, including anticipated
 20 motor vehicle fees and reimbursement under the provisions of
 21 61-3-532 and 61-3-536, distributed to the county as payment
 22 in lieu of the property taxation established by the county
 23 levy required by this section."

24 Section 2. Section 20-9-333, MCA, is amended to read:
 25 "20-9-333. Basic special levy and other revenues for

1 county equalization of high school district foundation
 2 program. (1) It shall be the duty of the county
 3 commissioners of each county to levy an annual basic special
 4 tax for high schools of 17 mills on the dollar of the
 5 taxable value of all taxable property within the county for
 6 the purposes of local and state foundation program support.
 7 The revenue to be collected from this levy shall be
 8 apportioned to the support of the foundation programs of
 9 high school districts in the county and to the state special
 10 revenue fund, state equalization aid account, in the
 11 following manner:

12 (a) In order to determine the amount of revenue raised
 13 by this levy which is retained by the county, the estimated
 14 revenues identified in subsections (2)(a) and (2)(b) below
 15 shall be subtracted from the sum of the county's high school
 16 tuition obligation and the total of the foundation programs
 17 of all high school districts of the county.

18 (b) If the basic levy prescribed by this section
 19 produces more revenue than is required to finance the
 20 difference determined above, ~~the county commissioners shall~~
 21 ~~order the county treasurer to shall~~ remit the surplus to the
 22 state treasurer for deposit to the state special revenue
 23 fund, state equalization aid account, ~~not--later--than~~
 24 immediately upon occurrence of a surplus balance and each
 25 subsequent month thereafter until June-1 of the fiscal year

1 for which the levy has been set.

2 (2) The proceeds realized from the county's portion of
3 the levy prescribed in this section and the revenues from
4 the following sources shall be used for the equalization of
5 the high school district foundation programs of the county
6 as prescribed in 20-9-334, and a separate accounting shall
7 be kept of these proceeds by the county treasurer in
8 accordance with 20-9-212(1):

9 (a) any money remaining at the end of the immediately
10 preceding school fiscal year in the county treasurer's
11 account for deposit of the proceeds from the levy
12 established in this section; and

13 (b) any federal or state moneys, including anticipated
14 motor vehicle fees and reimbursement under the provisions of
15 61-3-532 and 61-3-536, distributed to the county as a
16 payment in lieu of the property taxation established by the
17 county levy required by this section."

18 Section 3. Section 20-9-334, MCA, is amended to read:

19 "20-9-334. Apportionment of county equalization moneys
20 by county superintendent. The county superintendent shall
21 separately apportion the revenues deposited in the basic
22 county tax account and the revenues deposited in the basic
23 special tax for high schools account to the several
24 districts of the county on a quarterly monthly basis. The
25 apportionments shall be known as "county equalization

1 moneys". Before the county superintendent makes the
2 quarterly monthly apportionments, he shall:

3 (1) deduct from the revenues available in the basic
4 county tax account the amount required for the quarter month
5 to pay the county's obligation for elementary transportation
6 reimbursements; and

7 (2) deduct from the revenues available in the basic
8 special tax for high schools account the amount required for
9 the quarter month to pay the county's obligation for high
10 school out-of-county tuition."

11 NEW SECTION. Section 4. Effective date. This act is
12 effective July 1, 1985.

-End-

HOUSE

STANDING COMMITTEE REPORT

MARCH 25

19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE Bill No. 320

THIRD reading copy (BLUE color)

REQUIRE COUNTY TREASURER TO REMIT ANY SURPLUS BASIC LEVY FUNDS IMMEDIATELY

Respectfully report as follows: That SENATE Bill No. 320

BE AMENDED AS FOLLOWS:

- 1. Page 2, line 21. Following: "June-1" Insert: ", with any final remittance due no later than June 20"
2. Page 4, line 25. Following: "June-1" Insert: ", with any final remittance due no later than June 20"

AND, AS AMENDED,

BE CONCURRED IN

ROCK

[Handwritten signature]

[Handwritten signature]

REP. DAN HARRINGTON Chairman.

1 SENATE BILL NO. 320

2 INTRODUCED BY TVEIT, NATHE, GILBERT, H. HAMMOND,
 3 HOLLIDAY, B. WILLIAMS, SCHULTZ, IVERSON, ERNST,
 4 HANSON, DEVLIN, SWITZER, BOYLAN, E. SMITH,
 5 HARDING, LANE, MANUEL, POFF, SCHYE, CODY,
 6 ANDERSON, STEPHENS, GAGE, CONOVER,
 7 ABRAMS, SHAW, AKLESTAD, PECK

8
 9 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A COUNTY
 10 TREASURER TO IMMEDIATELY REMIT TO THE STATE TREASURER FOR
 11 DEPOSIT IN THE STATE EQUALIZATION AID ACCOUNT ANY SURPLUS
 12 BALANCE FROM THE BASIC COUNTY LEVIES FOR ELEMENTARY AND HIGH
 13 SCHOOL DISTRICTS; TO REQUIRE A COUNTY SUPERINTENDENT TO
 14 APPORTION THE BASIC COUNTY LEVY REVENUES TO THE DISTRICTS ON
 15 A MONTHLY BASIS; AMENDING 20-9-331, 20-9-333, AND 20-9-334,
 16 MCA; AND PROVIDING AN EFFECTIVE DATE."

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 Section 1. Section 20-9-331, MCA, is amended to read:

20 "20-9-331. Basic county tax and other revenues for
 21 county equalization of the elementary district foundation
 22 program. (1) It shall be the duty of the county
 23 commissioners of each county to levy an annual basic tax of
 24 28 mills on the dollars of the taxable value of all taxable
 25 property within the county for the purposes of local and

1 state foundation program support. The revenue to be
 2 collected from this levy shall be apportioned to the support
 3 of the foundation programs of the elementary school
 4 districts in the county and to the state special revenue
 5 fund, state equalization aid account, in the following
 6 manner:

7 (a) In order to determine the amount of revenue raised
 8 by this levy which is retained by the county, the sum of the
 9 estimated revenues identified in subsections (2)(a) through
 10 (2){f}{e} below shall be subtracted from the sum of the
 11 county elementary transportation obligation and the total of
 12 the foundation programs of all elementary districts of the
 13 county.

14 (b) If the basic levy prescribed by this section
 15 produces more revenue than is required to finance the
 16 difference determined above, ~~the county commissioners shall~~
 17 ~~order the county treasurer to shall~~ remit the surplus funds
 18 to the state treasurer for deposit to the state special
 19 revenue fund, state equalization aid account, ~~not later than~~
 20 immediately upon occurrence of a surplus balance and each
 21 subsequent month thereafter until June 1, WITH ANY FINAL
 22 REMITTANCE DUE NO LATER THAN JUNE 20 of the fiscal year for
 23 which the levy has been set.

24 (2) The proceeds realized from the county's portion of
 25 the levy prescribed by this section and the revenues from

1 the following sources shall be used for the equalization of
 2 the elementary district foundation programs of the county as
 3 prescribed in 20-9-334, and a separate accounting shall be
 4 kept of such proceeds and revenues by the county treasurer
 5 in accordance with 20-9-212(1):

6 (a) the portion of the federal Taylor Grazing Act
 7 funds distributed to a county and designated for the common
 8 school fund under the provisions of 17-3-222;

9 (b) the portion of the federal flood control act funds
 10 distributed to a county and designated for expenditure for
 11 the benefit of the county common schools under the
 12 provisions of 17-3-232;

13 (c) all money paid into the county treasury as a
 14 result of fines for violations of law and the use of which
 15 is not otherwise specified by law;

16 (d) any money remaining at the end of the immediately
 17 preceding school fiscal year in the county treasurer's
 18 account for the various sources of revenue established or
 19 referred to in this section; and

20 (e) any federal or state money, including anticipated
 21 motor vehicle fees and reimbursement under the provisions of
 22 61-3-532 and 61-3-536, distributed to the county as payment
 23 in lieu of the property taxation established by the county
 24 levy required by this section."

25 Section 2. Section 20-9-333, MCA, is amended to read:

1 "20-9-333. Basic special levy and other revenues for
 2 county equalization of high school district foundation
 3 program. (1) It shall be the duty of the county
 4 commissioners of each county to levy an annual basic special
 5 tax for high schools of 17 mills on the dollar of the
 6 taxable value of all taxable property within the county for
 7 the purposes of local and state foundation program support.
 8 The revenue to be collected from this levy shall be
 9 apportioned to the support of the foundation programs of
 10 high school districts in the county and to the state special
 11 revenue fund, state equalization aid account, in the
 12 following manner:

13 (a) In order to determine the amount of revenue raised
 14 by this levy which is retained by the county, the estimated
 15 revenues identified in subsections (2)(a) and (2)(b) below
 16 shall be subtracted from the sum of the county's high school
 17 tuition obligation and the total of the foundation programs
 18 of all high school districts of the county.

19 (b) If the basic levy prescribed by this section
 20 produces more revenue than is required to finance the
 21 difference determined above, ~~the county commissioners shall~~
 22 order the county treasurer to shall remit the surplus to the
 23 state treasurer for deposit to the state special revenue
 24 fund, state equalization aid account, ~~not--later---than~~
 25 immediately upon occurrence of a surplus balance and each

1 subsequent month thereafter ~~until June--1~~, WITH ANY FINAL
 2 REMITTANCE DUE NO LATER THAN JUNE 20 of the fiscal year for
 3 which the levy has been set.

4 (2) The proceeds realized from the county's portion of
 5 the levy prescribed in this section and the revenues from
 6 the following sources shall be used for the equalization of
 7 the high school district foundation programs of the county
 8 as prescribed in 20-9-334, and a separate accounting shall
 9 be kept of these proceeds by the county treasurer in
 10 accordance with 20-9-212(1):

11 (a) any money remaining at the end of the immediately
 12 preceding school fiscal year in the county treasurer's
 13 account for deposit of the proceeds from the levy
 14 established in this section; and

15 (b) any federal or state moneys, including anticipated
 16 motor vehicle fees and reimbursement under the provisions of
 17 61-3-532 and 61-3-536, distributed to the county as a
 18 payment in lieu of the property taxation established by the
 19 county levy required by this section."

20 Section 3. Section 20-9-334, MCA, is amended to read:

21 "20-9-334. Apportionment of county equalization moneys
 22 by county superintendent. The county superintendent shall
 23 separately apportion the revenues deposited in the basic
 24 county tax account and the revenues deposited in the basic
 25 special tax for high schools account to the several

1 districts of the county on a quarterly monthly basis. The
 2 apportionments shall be known as "county equalization
 3 moneys". Before the county superintendent makes the
 4 quarterly monthly apportionments, he shall:

5 (1) deduct from the revenues available in the basic
 6 county tax account the amount required for the quarter month
 7 to pay the county's obligation for elementary transportation
 8 reimbursements; and

9 (2) deduct from the revenues available in the basic
 10 special tax for high schools account the amount required for
 11 the quarter month to pay the county's obligation for high
 12 school out-of-county tuition."

13 NEW SECTION. Section 4. Effective date. This act is
 14 effective July 1, 1985.

-End-