

HB 294 INTRODUCED BY EUDAILY, ET AL.
BASE YEAR VOTED LEVY SUBMITTED TO ELECTORS ONCE
EVERY 5 YEARS

1/19 INTRODUCED
1/19 REFERRED TO EDUCATION & CULTURAL RESOURCES
1/30 HEARING
2/20 COMMITTEE REPORT--BILL PASSED
2/23 2ND READING NOT PASSED 63 32

1 House BILL NO. 294
2 INTRODUCED BY Daily, Clarke Daily Nelson

3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRUSTEES
4 OF A SCHOOL DISTRICT TO SUBMIT A BASE YEAR ADDITIONAL LEVY
5 TO THE ELECTORS EVERY 5 YEARS; ALLOWING THE TRUSTEES TO
6 SUBMIT TO ELECTORS ONCE ANNUALLY AN AMOUNT IN ADDITION TO
7 THE BASE YEAR ADDITIONAL LEVY; AND AMENDING SECTIONS
8 20-3-324, 20-7-326, AND 20-9-353, MCA."
9

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

12 Section 1. Section 20-9-353, MCA, is amended to read:

13 "20-9-353. Additional levy for general fund -- base
14 year -- election for authorization to impose. (1) The
15 trustees of any district may propose to adopt a general fund
16 budget in excess of the general fund budget amount for such
17 district as established by the schedules in 20-9-316 through
18 20-9-321 for any of the following purposes:

- 19 (a) building, altering, repairing, or enlarging any
20 schoolhouse of the district;
- 21 (b) furnishing additional school facilities for the
22 district;
- 23 (c) acquisition of land for the district;
- 24 (d) proper maintenance and operation of the school
25 programs of the district.

1 (2) (a) If the trustees of any district determine that
2 an additional amount of financing is required for the
3 general fund budget that is in excess of the statutory
4 schedule amount but is not in excess of the general fund
5 budget amount for the base year, the trustees may levy the
6 base year additional levy amount for the ensuing school
7 fiscal year.

8 (b) When the trustees of any district determine that
9 an additional amount of financing is required for the
10 general fund budget that is in excess of the statutory
11 schedule amount and is in excess of the base year additional
12 levy amount, the trustees shall submit the proposition of an
13 additional levy to raise such excess amount of general fund
14 financing to the electors who are qualified under 20-20-301
15 to vote upon such proposition except that no election shall
16 be required to permit the school trustees to use any funds
17 available to finance the additional amount other than those
18 funds to be raised by the additional levy. Such special
19 election shall be called and conducted in the manner
20 prescribed by this title for school elections. The ballot
21 for such election shall state only the amount of money to be
22 raised by additional property taxation in excess of the base
23 year additional levy amount, the approximate number of mills
24 required to raise such money, and the purpose for which such
25 money will be expended, and it shall be in the following



1 format:

2 PROPOSITION

3 Shall a levy be made in addition to the levies
4 authorized by law in such number of mills as may be
5 necessary to raise the sum of (state the amount to be raised
6 by additional tax levy), and being approximately (give
7 number) mills, for the purpose of (insert the purpose for
8 which the additional tax levy is made)?

9 FOR the additional levy.

10 AGAINST the additional levy.

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

24 (b) (i) If an election is held under the provisions of
25 subsection (2)(b) because the general fund budget exceeds

1 the statutory schedule amount and the base year additional
2 levy amount and the proposition is approved by a majority of
3 the electors voting at the election, the proposition carries
4 and the trustees may use any portion or all of the
5 authorized amount in adopting the preliminary general fund
6 budget. The trustees shall certify the additional levy
7 amount and the base year additional levy amount. The
8 trustees shall also levy an additional tax for both the
9 additional levy amount and the base year additional levy
10 amount in the same manner provided for in subsection (3)(a).

11 (ii) If the proposition for an additional levy fails to
12 be approved, the trustees may certify and levy an additional
13 tax for only the base year additional levy amount as
14 provided in subsection (3)(a).

15 (4) (a) Authorization to levy a tax for the base year
16 is effective for 5 years and must be authorized by a special
17 election conducted before August 1 of the first school
18 fiscal year for which it is effective.

19 (b) Authorization to levy an additional tax under the
20 provisions of this-section subsection (2)(b) shall--be is
21 effective for only 1 school fiscal year and shall must be
22 authorized by a special election conducted before August 1
23 of the school fiscal year for which it is effective. The
24 additional levy may not be submitted to the electors more
25 than once in a school fiscal year.

1 (5) (a) For the purposes of this section, base year
 2 means school fiscal year ending June 30, 1988, or the year
 3 in which a proposition on a base year additional levy amount
 4 is approved.

5 (b) The base year additional levy amount must be
 6 submitted to the qualified electors every 5 years in the
 7 same manner provided for in subsection (2)(b), except
 8 electors must be notified that the proposition sets the base
 9 year levy amount for the next 5 years."

10 Section 2. Section 20-3-324, MCA, is amended to read:

11 "20-3-324. Powers and duties. As prescribed elsewhere
 12 in this title, the trustees of each district shall have the
 13 power and it shall be their duty to perform the following
 14 duties or acts:

15 (1) employ or dismiss a teacher, principal, or other
 16 assistant upon the recommendation of the district
 17 superintendent, the county high school principal, or other
 18 principal as the board may deem necessary, accepting or
 19 rejecting such recommendation as the trustees shall in their
 20 sole discretion determine, in accordance with the provisions
 21 of Title 20, chapter 4;

22 (2) employ and dismiss administrative personnel,
 23 clerks, secretaries, teacher aides, custodians, maintenance
 24 personnel, school bus drivers, food service personnel,
 25 nurses, and any other personnel deemed necessary to carry

1 out the various services of the district;

2 (3) administer the attendance and tuition provisions
 3 and otherwise govern the pupils of the district in
 4 accordance with the provisions of the pupils chapter of this
 5 title;

6 (4) call, conduct, and certify the elections of the
 7 district in accordance with the provisions of the school
 8 elections chapter of this title;

9 (5) participate in the teachers' retirement system of
 10 the state of Montana in accordance with the provisions of
 11 the teachers' retirement system chapter of Title 19;

12 (6) participate in district boundary change actions in
 13 accordance with the provisions of the districts chapter of
 14 this title;

15 (7) organize, open, close, or acquire isolation status
 16 for the schools of the district in accordance with the
 17 provisions of the school organization part of this title;

18 (8) adopt and administer the annual budget or an
 19 emergency budget of the district in accordance with the
 20 provisions of the school budget system part of this title;

21 (9) conduct the fiscal business of the district in
 22 accordance with the provisions of the school financial
 23 administration part of this title;

24 (10) establish the ANB, foundation program, permissive
 25 levy, additional levy, including the base year additional

1 levy, cash reserve, and state impact aid amount for the
2 general fund of the district in accordance with the
3 provisions of the general fund part of this title;

4 (11) establish, maintain, budget, and finance the
5 transportation program of the district in accordance with
6 the provisions of the transportation parts of this title;

7 (12) issue, refund, sell, budget, and redeem the bonds
8 of the district in accordance with the provisions of the
9 bonds parts of this title;

10 (13) when applicable, establish, financially
11 administer, and budget for the tuition fund, retirement
12 fund, building reserve fund, adult education fund,
13 nonoperating fund, school food services fund, miscellaneous
14 federal programs fund, building fund, housing and dormitory
15 fund, traffic education fund, and interlocal cooperative
16 agreement fund in accordance with the provisions of the
17 other school funds parts of this title;

18 (14) when applicable, administer any interlocal
19 cooperative agreement, gifts, legacies, or devises in
20 accordance with the provisions of the miscellaneous
21 financial parts of this title;

22 (15) hold in trust, acquire, and dispose of the real
23 and personal property of the district in accordance with the
24 provisions of the school sites and facilities part of this
25 title;

1 (16) operate the schools of the district in accordance
2 with the provisions of the school calendar part of this
3 title;

4 (17) establish and maintain the instructional services
5 of the schools of the district in accordance with the
6 provisions of the instructional services, textbooks,
7 vocational education, and special education parts of this
8 title;

9 (18) establish and maintain the school food services of
10 the district in accordance with the provisions of the school
11 food services parts of this title;

12 (19) make such reports from time to time as the county
13 superintendent, superintendent of public instruction, and
14 board of public education may require;

15 (20) retain, when deemed advisable, a physician or
16 registered nurse to inspect the sanitary conditions of the
17 school or the general health conditions of each pupil and,
18 upon request, make available to any parent or guardian any
19 medical reports or health records maintained by the district
20 pertaining to his child;

21 (21) for each member of the trustees, visit each school
22 of the district not less than once each school fiscal year
23 to examine its management, conditions, and needs;

24 (22) procure and display outside daily in suitable
25 weather at each school of the district an American flag

1 which shall be not less than 4 feet by 6 feet; and

2 (23) perform any other duty and enforce any other
3 requirements for the government of the schools prescribed by
4 this title, the policies of the board of public education,
5 or the rules of the superintendent of public instruction."

6 Section 3. Section 20-7-326, MCA, is amended to read:

7 "20-7-326. Additional levy by school district. (1)

8 Notwithstanding the provisions of 20-7-324, the trustees
9 operating a postsecondary vocational-technical center may
10 propose to adopt a budget in excess of the amount
11 appropriated by the legislature for salaries, benefits,
12 operations, and equipment. The legislature shall base the
13 appropriation for salaries, benefits, operations, and
14 equipment on amounts appropriated in the previous
15 legislative session.

16 (2) When the trustees determine that an additional
17 amount of financing is required for salaries, benefits,
18 operations, and equipment, they must submit the proposition
19 for an additional levy to the qualified electors of the
20 district pursuant to 20-20-301 and in the manner prescribed
21 by 20-9-353, except the trustees are not required to
22 establish a base year additional levy. When another
23 additional levy proposition is presented to the electorate,
24 the proposition for an additional levy for a postsecondary
25 vocational-technical center may be presented as a separate

1 issue on the ballot or it may be consolidated with the
2 additional levy proposition of the high school district."

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1 House BILL NO. 294
2 INTRODUCED BY *Timothy Clarke Daily Nelson*

3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRUSTEES
4 OF A SCHOOL DISTRICT TO SUBMIT A BASE YEAR ADDITIONAL LEVY
5 TO THE ELECTORS EVERY 5 YEARS; ALLOWING THE TRUSTEES TO
6 SUBMIT TO ELECTORS ONCE ANNUALLY AN AMOUNT IN ADDITION TO
7 THE BASE YEAR ADDITIONAL LEVY; AND AMENDING SECTIONS
8 20-3-324, 20-7-326, AND 20-9-353, MCA."

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

10 Section 1. Section 20-9-353, MCA, is amended to read:
11 "20-9-353. Additional levy for general fund -- base
12 year -- election for authorization to impose. (1) The
13 trustees of any district may propose to adopt a general fund
14 budget in excess of the general fund budget amount for such
15 district as established by the schedules in 20-9-316 through
16 20-9-321 for any of the following purposes:

- 17 (a) building, altering, repairing, or enlarging any
18 schoolhouse of the district;
- 19 (b) furnishing additional school facilities for the
20 district;
- 21 (c) acquisition of land for the district;
- 22 (d) proper maintenance and operation of the school
23 programs of the district.

1 (2) (a) If the trustees of any district determine that
2 an additional amount of financing is required for the
3 general fund budget that is in excess of the statutory
4 schedule amount but is not in excess of the general fund
5 budget amount for the base year, the trustees may levy the
6 base year additional levy amount for the ensuing school
7 fiscal year.

8 (b) When the trustees of any district determine that
9 an additional amount of financing is required for the
10 general fund budget that is in excess of the statutory
11 schedule amount and is in excess of the base year additional
12 levy amount, the trustees shall submit the proposition of an
13 additional levy to raise such excess amount of general fund
14 financing to the electors who are qualified under 20-20-301
15 to vote upon such proposition except that no election shall
16 be required to permit the school trustees to use any funds
17 available to finance the additional amount other than those
18 funds to be raised by the additional levy. Such special
19 election shall be called and conducted in the manner
20 prescribed by this title for school elections. The ballot
21 for such election shall state only the amount of money to be
22 raised by additional property taxation in excess of the base
23 year additional levy amount, the approximate number of mills
24 required to raise such money, and the purpose for which such
25 money will be expended, and it shall be in the following



1 format:

2 PROPOSITION

3 Shall a levy be made in addition to the levies
4 authorized by law in such number of mills as may be
5 necessary to raise the sum of (state the amount to be raised
6 by additional tax levy), and being approximately (give
7 number) mills, for the purpose of (insert the purpose for
8 which the additional tax levy is made)?

9 FOR the additional levy.

10 AGAINST the additional levy.

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

24 (b) (i) If an election is held under the provisions of
25 subsection (2)(b) because the general fund budget exceeds

1 the statutory schedule amount and the base year additional
2 levy amount and the proposition is approved by a majority of
3 the electors voting at the election, the proposition carries
4 and the trustees may use any portion or all of the
5 authorized amount in adopting the preliminary general fund
6 budget. The trustees shall certify the additional levy
7 amount and the base year additional levy amount. The
8 trustees shall also levy an additional tax for both the
9 additional levy amount and the base year additional levy
10 amount in the same manner provided for in subsection (3)(a).

11 (ii) If the proposition for an additional levy fails to
12 be approved, the trustees may certify and levy an additional
13 tax for only the base year additional levy amount as
14 provided in subsection (3)(a).

15 (4) (a) Authorization to levy a tax for the base year
16 is effective for 5 years and must be authorized by a special
17 election conducted before August 1 of the first school
18 fiscal year for which it is effective.

19 (b) Authorization to levy an additional tax under the
20 provisions of this-section subsection (2)(b) shall--be is
21 effective for only 1 school fiscal year and shall must be
22 authorized by a special election conducted before August 1
23 of the school fiscal year for which it is effective. The
24 additional levy may not be submitted to the electors more
25 than once in a school fiscal year.

1 (5) (a) For the purposes of this section, base year
2 means school fiscal year ending June 30, 1988, or the year
3 in which a proposition on a base year additional levy amount
4 is approved.

5 (b) The base year additional levy amount must be
6 submitted to the qualified electors every 5 years in the
7 same manner provided for in subsection (2)(b), except
8 electors must be notified that the proposition sets the base
9 year levy amount for the next 5 years."

10 Section 2. Section 20-3-324, MCA, is amended to read:

11 "20-3-324. Powers and duties. As prescribed elsewhere
12 in this title, the trustees of each district shall have the
13 power and it shall be their duty to perform the following
14 duties or acts:

15 (1) employ or dismiss a teacher, principal, or other
16 assistant upon the recommendation of the district
17 superintendent, the county high school principal, or other
18 principal as the board may deem necessary, accepting or
19 rejecting such recommendation as the trustees shall in their
20 sole discretion determine, in accordance with the provisions
21 of Title 20, chapter 4;

22 (2) employ and dismiss administrative personnel,
23 clerks, secretaries, teacher aides, custodians, maintenance
24 personnel, school bus drivers, food service personnel,
25 nurses, and any other personnel deemed necessary to carry

1 out the various services of the district;

2 (3) administer the attendance and tuition provisions
3 and otherwise govern the pupils of the district in
4 accordance with the provisions of the pupils chapter of this
5 title;

6 (4) call, conduct, and certify the elections of the
7 district in accordance with the provisions of the school
8 elections chapter of this title;

9 (5) participate in the teachers' retirement system of
10 the state of Montana in accordance with the provisions of
11 the teachers' retirement system chapter of Title 19;

12 (6) participate in district boundary change actions in
13 accordance with the provisions of the districts chapter of
14 this title;

15 (7) organize, open, close, or acquire isolation status
16 for the schools of the district in accordance with the
17 provisions of the school organization part of this title;

18 (8) adopt and administer the annual budget or an
19 emergency budget of the district in accordance with the
20 provisions of the school budget system part of this title;

21 (9) conduct the fiscal business of the district in
22 accordance with the provisions of the school financial
23 administration part of this title;

24 (10) establish the ANB, foundation program, permissive
25 levy, additional levy, including the base year additional

1 levy, cash reserve, and state impact aid amount for the
2 general fund of the district in accordance with the
3 provisions of the general fund part of this title;

4 (11) establish, maintain, budget, and finance the
5 transportation program of the district in accordance with
6 the provisions of the transportation parts of this title;

7 (12) issue, refund, sell, budget, and redeem the bonds
8 of the district in accordance with the provisions of the
9 bonds parts of this title;

10 (13) when applicable, establish, financially
11 administer, and budget for the tuition fund, retirement
12 fund, building reserve fund, adult education fund,
13 nonoperating fund, school food services fund, miscellaneous
14 federal programs fund, building fund, housing and dormitory
15 fund, traffic education fund, and interlocal cooperative
16 agreement fund in accordance with the provisions of the
17 other school funds parts of this title;

18 (14) when applicable, administer any interlocal
19 cooperative agreement, gifts, legacies, or devises in
20 accordance with the provisions of the miscellaneous
21 financial parts of this title;

22 (15) hold in trust, acquire, and dispose of the real
23 and personal property of the district in accordance with the
24 provisions of the school sites and facilities part of this
25 title;

1 (16) operate the schools of the district in accordance
2 with the provisions of the school calendar part of this
3 title;

4 (17) establish and maintain the instructional services
5 of the schools of the district in accordance with the
6 provisions of the instructional services, textbooks,
7 vocational education, and special education parts of this
8 title;

9 (18) establish and maintain the school food services of
10 the district in accordance with the provisions of the school
11 food services parts of this title;

12 (19) make such reports from time to time as the county
13 superintendent, superintendent of public instruction, and
14 board of public education may require;

15 (20) retain, when deemed advisable, a physician or
16 registered nurse to inspect the sanitary conditions of the
17 school or the general health conditions of each pupil and,
18 upon request, make available to any parent or guardian any
19 medical reports or health records maintained by the district
20 pertaining to his child;

21 (21) for each member of the trustees, visit each school
22 of the district not less than once each school fiscal year
23 to examine its management, conditions, and needs;

24 (22) procure and display outside daily in suitable
25 weather at each school of the district an American flag

1 which shall be not less than 4 feet by 6 feet; and
 2 (23) perform any other duty and enforce any other
 3 requirements for the government of the schools prescribed by
 4 this title, the policies of the board of public education,
 5 or the rules of the superintendent of public instruction."

6 Section 3. Section 20-7-326, MCA, is amended to read:

7 "20-7-326. Additional levy by school district. (1)
 8 Notwithstanding the provisions of 20-7-324, the trustees
 9 operating a postsecondary vocational-technical center may
 10 propose to adopt a budget in excess of the amount
 11 appropriated by the legislature for salaries, benefits,
 12 operations, and equipment. The legislature shall base the
 13 appropriation for salaries, benefits, operations, and
 14 equipment on amounts appropriated in the previous
 15 legislative session.

16 (2) When the trustees determine that an additional
 17 amount of financing is required for salaries, benefits,
 18 operations, and equipment, they must submit the proposition
 19 for an additional levy to the qualified electors of the
 20 district pursuant to 20-20-301 and in the manner prescribed
 21 by 20-9-353, except the trustees are not required to
 22 establish a base year additional levy. When another
 23 additional levy proposition is presented to the electorate,
 24 the proposition for an additional levy for a postsecondary
 25 vocational-technical center may be presented as a separate

1 issue on the ballot or it may be consolidated with the
 2 additional levy proposition of the high school district."

-End-