

HOUSE BILL 1

Introduced by Cobb

6/15	Introduced
6/16	Fiscal Note Requested
6/19	Referred to Education & Cultural Resources
6/20	Hearing Died in Committee

1 (2) employ and dismiss administrative personnel,
2 clerks, secretaries, teacher aides, custodians, maintenance
3 personnel, school bus drivers, food service personnel,
4 nurses, and any other personnel considered necessary to
5 carry out the various services of the district;

6 (3) administer the attendance and tuition provisions
7 and otherwise govern the pupils of the district in
8 accordance with the provisions of the pupils chapter of this
9 title;

10 (4) call, conduct, and certify the elections of the
11 district in accordance with the provisions of the school
12 elections chapter of this title;

13 (5) participate in the teachers' retirement system of
14 the state of Montana in accordance with the provisions of
15 the teachers' retirement system chapter of Title 19;

16 (6) participate in district boundary change actions in
17 accordance with the provisions of the districts chapter of
18 this title;

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

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

25 (9) conduct the fiscal business of the district in

1 accordance with the provisions of the school financial
2 administration part of this title;

3 (10) establish the ANB, foundation program, ~~permissive~~
4 ~~levy~~, additional levy, cash reserve, and state impact aid
5 amount for the general fund of the district in accordance
6 with the provisions of the general fund part of this title;

7 (11) establish, maintain, budget, and finance the
8 transportation program of the district in accordance with
9 the provisions of the transportation parts of this title;

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

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

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

25 (15) hold in trust, acquire, and dispose of the real

1 and personal property of the district in accordance with the
2 provisions of the school sites and facilities part of this
3 title;

4 (16) operate the schools of the district in accordance
5 with the provisions of the school calendar part of this
6 title;

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

12 (18) establish and maintain the school food services of
13 the district in accordance with the provisions of the school
14 food services parts of this title;

15 (19) make reports from time to time as the county
16 superintendent, superintendent of public instruction, and
17 board of public education may require;

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

24 (21) for each member of the trustees, visit each school
25 of the district not less than once each school fiscal year

1 to examine its management, conditions, and needs, except
2 trustees from a first-class school district may share the
3 responsibility for visiting each school in the district;

4 (22) procure and display outside daily in suitable
5 weather at each school of the district an American flag that
6 measures not less than 4 feet by 6 feet;

7 (23) adopt and administer a district policy on
8 assessment for placement of any child who enrolls in a
9 school of the district from a nonpublic school that is not
10 accredited, as required in 20-5-110; and

11 (24) perform any other duty and enforce any other
12 requirements for the government of the schools prescribed by
13 this title, the policies of the board of public education,
14 or the rules of the superintendent of public instruction."

15 **Section 3.** Section 20-5-305, MCA, is amended to read:

16 ***20-5-305. Elementary tuition rates.** (1) Whenever a
17 pupil of an elementary district has been granted approval to
18 attend a school outside of the district in which he resides,
19 under the provisions of 20-5-301 or 20-5-302, such the
20 district of residence shall pay tuition to the elementary
21 district where the pupil attends school. Except as provided
22 in subsection (2), the basis of the rate of tuition shall be
23 determined by the attended district. The rate of tuition
24 ~~shall~~ must be determined by:

25 (a) totaling the actual expenditures from the district

1 general fund, the debt service fund, and, if the pupil is a
2 resident of another county, the retirement fund;

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

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

13 (2) The tuition for a full-time elementary special
14 education pupil must be determined under rules adopted by
15 the superintendent of public instruction for the calculation
16 of elementary tuition for full-time elementary special
17 education pupils as designated in 20-9-311 for funding
18 purposes."

19 **Section 4.** Section 20-5-312, MCA, is amended to read:

20 "20-5-312. Reporting, budgeting, and payment for high
21 school tuition. (1) Except as provided in subsection (2), at
22 the close of the school term of each school fiscal year, the
23 trustees of each high school district shall determine the
24 rate of tuition for the current school fiscal year by:

25 (a) totaling the actual expenditures from the district

1 general fund, the debt service fund, and, if the pupil is a
2 resident of another county, the retirement fund;

3 (b) dividing the amount determined in subsection
4 (1)(a) above by the ANB of the district as determined under
5 the provisions of 20-9-311; and

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

13 (2) The tuition for a full-time high school special
14 education pupil must be determined under rules adopted by
15 the superintendent of public instruction for the calculation
16 of tuition for full-time high school special education
17 pupils as designated in 20-9-311 for funding purposes.

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

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

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

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

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

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

10 (5) When the district superintendent receives a
11 tuition report or reports for high school pupils residing in
12 his district and attending an out-of-district high school
13 under approved tuition agreements, he shall determine the
14 total amount of tuition due ~~such~~ the out-of-district high
15 schools on the basis of the following per-pupil schedule:
16 the rate of tuition, number of pupils attending under an
17 approved tuition agreement, and other information provided
18 by each high school district where resident district pupils
19 have attended school.

20 (6) The total amount of the high school tuition, with
21 consideration of any tuition waivers, for pupils attending a
22 high school outside the county of residence must be financed
23 by the county basic special tax for high schools as provided
24 in 20-9-334. In December, the county superintendent shall
25 cause the payment by county warrant of at least one-half of

1 the high school tuition obligations established under this
2 section out of the first money proceeds realized from the
3 county basic special tax for high schools. The remaining
4 obligations must be paid by June 15 of the school fiscal
5 year. The payments must be made to the county treasurer of
6 the county where each high school entitled to tuition is
7 located. The county treasurer shall credit tuition receipts
8 to the general fund of the applicable high school district,
9 and the tuition receipts must be used in accordance with the
10 provisions of 20-9-141.

11 (7) For pupils attending a high school outside their
12 district of residence but within the county of residence,
13 the total amount of the tuition, with consideration of any
14 tuition waivers, must be paid during the ensuing school
15 fiscal year. The trustees of the sending high school
16 district shall include the tuition amount in the tuition
17 fund of the preliminary and final budgets. This budgeted
18 tuition amount is not subject to the budget adjustment
19 provisions of 20-9-132. The county superintendent shall
20 report the net tuition fund levy requirement for each high
21 school district to the county commissioners on the second
22 Monday of August, and a levy on the district must be made by
23 the county commissioners in accordance with 20-9-142. The
24 levy requirement must be calculated by subtracting from the
25 total expenditure amount authorized in the final tuition

1 fund budget the sum of the cash balance in the tuition fund
 2 at the end of the immediately preceding school fiscal year
 3 plus any other anticipated money that may be realized in the
 4 tuition fund. The trustees shall pay by warrants drawn on
 5 the tuition fund the tuition amounts owed to each district
 6 included in the county superintendent's notification.
 7 Payments must be made whenever there is a sufficient amount
 8 of cash available in the tuition fund but no later than the
 9 end of the school fiscal year for which the budget is
 10 adopted. However, if the trustees of either the sending or
 11 receiving high school district feel the transfer privilege
 12 provided by this subsection is being abused, they may appeal
 13 to the county superintendent of schools, who shall hold a
 14 hearing and either approve or disapprove the transfer."

15 **Section 5.** Section 20-9-141, MCA, is amended to read:

16 "20-9-141. Computation of general fund net levy
 17 requirement by county superintendent. (1) The county
 18 superintendent shall compute the levy requirement for each
 19 district's general fund on the basis of the following
 20 procedure:

21 (a) Determine the ~~total-of-the~~ funding required for
 22 the district's final general fund budget less the amount
 23 established by the foundation program schedules ~~in--20-9-316~~
 24 ~~through-20-9-321~~ by totaling:

25 (i) the district's nonisolated school foundation

1 program requirement to be met by a district levy as provided
 2 in 20-9-303;

3 ~~{ii}-the-district's-permissive-levy-amount-as--provided~~
 4 ~~in-20-9-352; and~~

5 ~~{iii}~~(ii) any additional general fund budget amount
 6 adopted by the trustees of the district under the provisions
 7 of 20-9-353, including any additional levies authorized by
 8 the electors of the district.

9 (b) Determine the ~~total-of-the-moneys~~ money available
 10 for the reduction of the property tax on the district for
 11 the general fund by totaling:

12 (i) anticipated federal ~~moneys~~ money received under
 13 the provisions of Title I of Public Law 81-874 or other
 14 anticipated federal ~~moneys~~ money received in lieu of ~~such~~
 15 ~~federal~~ that act;

16 (ii) anticipated tuition payments for out-of-district
 17 pupils under the provisions of 20-5-303, 20-5-307, 20-5-312,
 18 and 20-5-313;

19 (iii) general fund cash reappropriated, as established
 20 under the provisions of 20-9-104;

21 (iv) anticipated or reappropriated state impact aid
 22 received under the provisions of 20-9-304;

23 (v) anticipated or reappropriated revenue from ~~vehicle~~
 24 property taxes and fees imposed under 23-2-517, 23-2-803,
 25 61-3-504(2), 61-3-521, and 61-3-537, and 67-3-204;

(vi) anticipated net proceeds taxes for interim production and new production, as defined in 15-23-601;

(vii) anticipated interest to be earned or reappropriated interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

(viii) anticipated revenue from corporation license taxes collected from financial institutions under the provisions of 15-31-702; and

~~(viii)~~(ix) any other revenue anticipated by the trustees to be received during the ensuing school fiscal year which may be used to finance the general fund.

(c) Subtract the ~~total-of-the-moneys~~ money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from the total requirement determined in subsection (1)(a).

(2) The net general fund levy requirement determined in subsection (1)(c) ~~shall~~ must be reported to the county commissioners on the second Monday of August by the county superintendent as the general fund levy requirement for the district, and a levy ~~shall~~ must be made by the county commissioners in accordance with 20-9-142."

Section 6. Section 20-6-506, MCA, is amended to read:

"20-6-506. Budgeting and cost sharing when junior high school operated by elementary district and high school

district operating a county high school. (1) Whenever the opening of a junior high school is approved for the ensuing school fiscal year under 20-6-505, the county superintendent shall estimate the average number belonging (ANB) after investigating the probable enrollment for the junior high school. The ANB determined by the county superintendent and the ANB actually realized in subsequent school fiscal years ~~shall~~ must be applied under 20-9-320 to prorate the ~~maximum-general-fund-budget-without-a-voted-levy~~ foundation program schedule amount between the elementary and high school districts. Each district shall adopt its general fund budget on the basis of the prorated amount and shall finance its proportionate share of the cost of operating the junior high school.

(2) The cost of operating the junior high school ~~shall~~ must be prorated between the elementary district and the high school district on the basis of the ratio that the number of pupils of their district is to the total enrollment of the junior high school."

Section 7. Section 20-6-603, MCA, is amended to read:

"20-6-603. Trustees' authority to acquire or dispose of sites and buildings -- when election required. (1) The trustees of any district ~~shall-have--the--authority--to~~ may purchase, build, exchange, or otherwise acquire, or sell, or otherwise dispose of sites and buildings of the district.

1 ~~Such action shall~~ Action may not be taken by the trustees
2 without the approval of the qualified electors of the
3 district at an election called for ~~such~~ the purpose of
4 approval unless:

5 (a) a bond issue has been authorized for the purpose
6 of constructing, purchasing, or acquiring the site or
7 building;

8 (b) an additional levy under the provisions of
9 20-9-353 has been approved for the purpose of constructing,
10 purchasing, or acquiring the site or building;

11 (c) the cost of constructing, purchasing, or acquiring
12 the site or building is financed without exceeding the
13 ~~maximum general fund budget without a vote amount prescribed~~
14 ~~in 20-9-316 through 20-9-321~~ foundation program schedule
15 amount provided in 20-9-303(2)(a), and, in the case of a
16 site purchase, the site has been approved under the
17 provisions of 20-6-621; or

18 (d) ~~moneys--are~~ money is otherwise available under the
19 provisions of this title and the ballot for the site
20 approval for ~~such~~ the building incorporated a description of
21 the building to be located on the site.

22 (2) When an election is conducted under the provisions
23 of this section, it ~~shall~~ must be called under the
24 provisions of 20-20-201 and ~~shall~~ must be conducted in the
25 manner prescribed by this title for school elections. An

1 elector qualified to vote under the provisions of 20-20-301
2 ~~shall--be--permitted--to~~ may vote in ~~such~~ the election. If a
3 majority of those electors voting at the election approve
4 the proposed action, the trustees may take the proposed
5 action."

6 **Section 8.** Section 20-7-414, MCA, is amended to read:

7 "20-7-414. Determination of children in need and type
8 of special education needed -- approval of classes and
9 programs by superintendent. (1) The determination of the
10 children requiring special education and the type of special
11 education needed by these children ~~shall--be~~ is the
12 responsibility of the trustees, and ~~such~~ the determination
13 ~~shall~~ must be made in compliance with the procedures
14 established in the rules of the superintendent of public
15 instruction. Whenever the trustees of a school district or
16 the governing authority of an institution learn of a
17 handicapped child in their jurisdiction who is in need of
18 special education, they shall determine whether the child is
19 in need of a surrogate parent by determining whether the
20 parents or guardian is unknown or unavailable or if the
21 child is a ward of the state. The determination must be made
22 within 10 days of the date on which the trustees of a school
23 district or the governing authority of an institution
24 learned of the presence of the child in the district. If the
25 child is in need of a surrogate parent, the trustees of a

1 school district or the governing authority of an institution
2 must nominate a surrogate parent for the child as provided
3 in 20-7-461.

4 (2) Whenever the trustees of any district intend to
5 establish a special education class or program, they shall
6 apply for approval and funding of the class or program by
7 the superintendent of public instruction. The superintendent
8 of public instruction shall approve or disapprove the
9 application for the special education class or program on
10 the basis of its compliance with the laws of the state of
11 Montana, the special education policies adopted by the board
12 of public education, and the rules of the superintendent of
13 public instruction. No special education class may be
14 operated by the trustees without the approval of the
15 superintendent of public instruction. Each special education
16 class or program must be approved annually to be funded as
17 part of the maximum-budget-without-a-vote foundation program
18 for special education."

19 **Section 9.** Section 20-7-422, MCA, is amended to read:

20 "20-7-422. Out-of-state tuition for special education
21 children. (1) If the trustees of any district recommend to
22 the superintendent of public instruction the attendance of
23 a child in need of special education in a special education
24 program offered outside of the state of Montana, such the
25 arrangements shall are not be subject to the out-of-state

1 attendance provisions of the laws governing the attendance
2 of pupils in schools outside the state of Montana.

3 (2) Whenever the attendance of a child at an
4 out-of-state special education program is approved by the
5 superintendent of public instruction, ~~it--shall--be--the~~
6 ~~responsibility--of~~ the superintendent of public instruction
7 shall, in cooperation with the department of family
8 services, to negotiate the program for the child and the
9 amount and manner of payment of tuition. The amount of
10 tuition ~~shall~~ must be included as a contracted service in
11 20-7-431(1)(a)(iii)(A) in the ~~maximum-budget-without-a-vote~~
12 foundation program amount for special education."

13 **Section 10.** Section 20-7-431, MCA, is amended to read:

14 "20-7-431. Allowable cost schedule for special
15 programs -- superintendent to make rules -- annual
16 accounting. (1) For the purpose of determining the
17 ~~maximum-budget-without-a-vote~~ foundation program amount for
18 special education as defined in 20-9-321, the following
19 schedule of allowable costs ~~shall~~ must be followed by the
20 school district in preparation of its special education
21 budget for state aid request purposes and by the
22 superintendent of public instruction in his review and
23 approval of the budget (for the purposes of determining the
24 amount of the ~~maximum-budget-without-a-vote~~ foundation
25 program for special education for the district, and as used

1 in this schedule, "full-time special pupil" and "regular
2 ANB" are to be determined in accordance with 20-9-311 and
3 20-9-313):

4 (a) instruction: salaries, benefits, supplies,
5 textbooks, and other expenses including:

6 (i) salaries and benefits of special program teachers,
7 regular program teachers, teacher aides, special education
8 supervisors, audiologists, and speech and hearing
9 clinicians--the entire cost if employed full time in the
10 special program; if such personnel are shared between
11 special and regular programs--a portion of the entire cost
12 corresponding to the entire working time which each such
13 person devotes to the special program;

14 (ii) teaching supplies and textbooks if used
15 exclusively for special programs--the actual total cost;

16 (iii) other expenses:

17 (A) contracted services, including fees paid for
18 professional advice and consultation regarding special
19 students or the special program, and the delivery of special
20 education services by public or private agencies--the actual
21 total cost;

22 (B) transportation costs for special education
23 personnel who must travel on an itinerant basis from school
24 to school or district to district or to in-state child study
25 team meetings or in-state individualized education program

1 meetings--the actual cost to the district calculated on the
2 same mileage rate used by the district for other travel
3 reimbursement purposes;

4 (b) supportive services, including:

5 (i) salaries and benefits of professional supportive
6 personnel--the entire cost if employed full time in the
7 special program; if such personnel are shared between
8 special and regular programs--a portion of the entire cost
9 corresponding to the entire working time which each such
10 person devotes to the special program. Professional
11 supportive personnel may include counselors, social workers,
12 psychologists, psychometrists, physicians, nurses, and
13 physical and occupational therapists.

14 (ii) salaries and benefits of clerical personnel for
15 who assist professional personnel in supportive
16 services--the entire cost if employed full time in the
17 special program; if such personnel are shared between
18 special and regular programs--a portion of the entire cost
19 corresponding to the entire working time which each such
20 person devotes to the special program;

21 (c) equipment:

22 (i) equipment--the actual total cost;

23 (ii) special equipment for district-owned school buses
24 necessary to accommodate special students--the actual total
25 cost;

1 (iii) special equipment for school buses contracted to
2 transport special students--that portion of the contract
3 price attributable to the cost of special equipment or
4 personnel required to accommodate special students--the
5 actual special cost;

6 (iv) repair and maintenance of equipment--the actual
7 total cost;

8 (d) room and board costs when the special pupil has to
9 attend a program at such a distance from his home that
10 commuting is undesirable as determined by the superintendent
11 of public instruction.

12 (2) The superintendent of public instruction shall
13 ~~prior to September 17, 1977, revise the~~ adopt rules in
14 accordance with the policies of the board of public
15 education for:

16 (a) keeping necessary records for supportive and
17 administrative personnel and any personnel shared between
18 special and regular programs;

19 (b) defining the total special program caseload that
20 ~~shall~~ must be assigned to specific support persons and the
21 kinds of professional specialties to be considered relevant
22 to the program before the district may count an allowable
23 cost under subsection (1)(b) of this section; and

24 (c) defining the kinds or types of equipment whose
25 costs may be counted under subsection (1)(c)(i) of this

1 section.

2 (3) An annual accounting of all expenditures of school
3 district general fund ~~moneys~~ money for special education
4 ~~shall~~ must be made by the district trustees on forms
5 furnished by the superintendent of public instruction. The
6 superintendent of public instruction shall make rules for
7 ~~such~~ the accounting.

8 (4) If a board of trustees chooses to exceed the
9 budget approved by the superintendent of public instruction,
10 costs in excess of the approved budget may not be reimbursed
11 under the ~~maximum-budget-without-a-vote~~ foundation program
12 for special education.

13 (5) Allowable costs prescribed in this section do not
14 include the costs of the teachers' retirement system, the
15 public employees' retirement system, the federal social
16 security system, or the costs for unemployment compensation
17 insurance.

18 (6) (a) Notwithstanding other provisions of the law,
19 the superintendent of public instruction ~~shall~~ may not
20 approve a ~~maximum-budget-without-a-vote~~ foundation program
21 amount for special education ~~which~~ that exceeds legislative
22 appropriations; however, any unexpended balance from the
23 first year of a biennial appropriation may be spent in the
24 second year of the biennium in addition to the second year
25 appropriation.

(b) If the total allowable cost of the special education budgets exceeds legislative appropriations available for special education, each district shall receive a pro rata share of the available appropriations based upon prioritized budget items as established by the superintendent of public instruction. The amount of the approved budgets in excess of the available appropriations may not be reimbursed under the ~~maximum-budget-without-a-vote~~ foundation program for special education and is the responsibility of the school district."

Section 11. Section 20-9-301, MCA, is amended to read:

"20-9-301. Purpose ~~and---definition~~ of foundation program and definition of general fund budget. (1) A uniform system of free public schools sufficient for the education of and open to all school age children of the state ~~shall~~ must be established and maintained throughout the state of Montana. The state shall aid in the support of its several school districts on the basis of their financial need as measured by the foundation program and in the manner established in this title.

(2) The principal budgetary vehicle for achieving the minimum financing as established by the foundation program ~~shall--be~~ is the general fund budget of the district. The purpose of the general fund ~~shall-be~~ budget is to finance those general maintenance and operational costs of a

district not financed by other funds established for special purposes in this title.

(3) The amount of the general fund budget for each school fiscal year ~~shall~~ may not exceed the financing limitations established by this title but ~~shall--be--no~~ may ~~not be~~ less than the amount established by law as the foundation program. The general fund budget ~~shall~~ must be financed by the foundation program revenues revenue and may be supplemented by ~~the-permissive--levy--and~~ an additional voted ~~levies~~ levy in the manner provided by law."

Section 12. Section 20-9-303, MCA, is amended to read:

"20-9-303. Definition of foundation program and ~~its proportion-of-the--maximum-general-fund-without-a-voted-levy schedule--amount~~ -- nonisolated school foundation program financing -- special education funds. (1) As used in this title, the term "foundation program" ~~shall-mean~~ means the minimum operating expenditures, ~~as-established-herein,~~ that are sufficient to provide for the educational program of a school. The foundation program relates only to those expenditures authorized by a district's general fund budget and ~~shall~~ may not include expenditures from any other fund. It ~~shall-be~~ is financed by:

(a) county equalization moneys, ~~and money,~~ as provided in 20-9-331 and 20-9-333;

(b) state equalization aid, as provided in 20-9-343;

1 (c) appropriations for special education; and
 2 (d) a district levy as provided in subsection (3) for
 3 support of a school not approved as an isolated school under
 4 the provisions of 20-9-302.

5 ~~(2) The dollar amount of the foundation program shall~~
 6 ~~be-----80%-----of-----the~~
 7 ~~maximum general fund budget without a voted levy limitation~~
 8 ~~as set forth in the schedules in 20-9-316 through 20-9-321.~~
 9 The foundation program of an includes:

10 (a) amounts in support of general education programs
 11 as provided in the schedules in 20-9-316 through 20-9-320;
 12 and

13 (b) payments in support of special education programs
 14 under 20-9-321.

15 (3) An elementary school having an ANB of nine or
 16 fewer pupils for 2 consecutive years which is not approved
 17 as an isolated school under the provisions of 20-9-302 shall
 18 be 80% of may budget and spend the schedule amount, but the
 19 county and state shall participate in financing one-half of
 20 the foundation program, and the district shall finance the
 21 remaining one-half by a tax levied on the property of the
 22 district. When a school of nine or fewer pupils is approved
 23 as isolated under the provisions of 20-9-302, the county and
 24 state shall participate in the financing of the total amount
 25 of the foundation program.

1 ~~(3)~~(4) Funds provided to support the special education
 2 accounting budget may be expended only for special education
 3 purposes as approved by the superintendent of public
 4 instruction in accordance with the special education
 5 budgeting provisions of this title. Expenditures for special
 6 education shall must be accounted for separately from the
 7 balance of the school district general fund. Transfers
 8 between items within the special education budget for
 9 accounting purposes may be made at the discretion of the
 10 board of trustees in accordance with the financial
 11 administration part of this title. The unexpended balance of
 12 the special education accounting budget shall ~~carry~~ carries
 13 over to the next year to reduce the amount of funding
 14 required to finance the district's ensuing year's
 15 ~~maximum budget without a vote~~ foundation program amount for
 16 special education."

17 **Section 13.** Section 20-9-312, MCA, is amended to read:
 18 "20-9-312. ~~Maximum--general--fund--budget~~ Foundation
 19 program schedule for grades seven and eight. The ANB
 20 calculated for grades 7 and 8 shall must be funded at the
 21 high school rate, provided that the school meets the
 22 standards for accreditation of a middle school. When such
 23 the pupils are actually enrolled in an elementary school,
 24 the foundation program schedule amount ~~of the--general--fund~~
 25 budget per ANB is determined from the high school schedule

1 using the total ANB of the elementary school. To determine
2 the total ANB of such-an the elementary school, the 7th and
3 8th grade pupils shall must be included in such the total."

4 **Section 14.** Section 20-9-315, MCA, is amended to read:

5 ***20-9-315. Maximum general fund budget and exceptions.**

6 The total amount of the general fund budget of any district
7 shall may not be greater than the general-fund-budget-amount
8 specified-in-20-9-316-through-20-9-321 district's foundation
9 program as provided in 20-9-303, except when a district has
10 adopted an emergency general fund budget under the
11 provisions of 20-9-165 or when a district satisfies the
12 requirements of 20-9-353."

13 **Section 15.** Section 20-9-316, MCA, is amended to read:

14 ***20-9-316. Elementary school maximum-budget foundation**
15 **program schedule for 1985-86. For school year 1985-86, the**
16 **elementary school foundation program is as follows:**

17 (1) For each elementary school having an ANB of nine or
18 fewer pupils, the maximum shall-be is \$19,959 if said the
19 school is approved as an isolated school.

20 (2) For schools with an ANB of 10 pupils but less than
21 18 pupils, the maximum shall-be is \$19,959 plus \$834.10 per
22 pupil on the basis of the average number belonging over
23 nine.

24 (3) For schools with an ANB of at least 14 pupils but
25 less than 18 pupils that qualify for instructional aide

1 funding under 20-9-322, the maximum shall-be is \$32,714 plus
2 \$834.10 per pupil on the basis of the average number
3 belonging over 14.

4 (4) For schools with an ANB of 18 pupils and employing
5 one teacher, the maximum shall-be is \$27,466 plus \$834.10
6 per pupil on the basis of the average number belonging over
7 18, not to exceed an ANB of 25.

8 (5) For schools with an ANB of 18 pupils and employing
9 two full-time teachers, the maximum shall-be is \$43,851 plus
10 \$522.40 per pupil on the basis of the average number
11 belonging over 18, not to exceed an ANB of 50.

12 (6) For schools having an ANB in excess of 40, the
13 maximum, on the basis of the total pupils (ANB) in the
14 district for-elementary-pupils-will-be, is as follows:

15 (a) For a school having an ANB of more than 40 and
16 employing a minimum of three teachers, the maximum of \$1,938
17 shall--be is decreased at the rate of \$1.88 for each
18 additional pupil until the total number (ANB) shall--have
19 reached reaches a total of 100 pupils.

20 (b) For a school having an ANB of more than 100
21 pupils, the maximum of \$1,825 shall-be is decreased at the
22 rate of \$1.72 for each additional pupil until the ANB shall
23 have-reached reaches 300 pupils.

24 (c) For a school having an ANB of more than 300
25 pupils, the maximum shall may not exceed \$1,481 for each

1 pupil.

2 (7) The maximum per pupil for all pupils (ANB) and for
3 all elementary schools ~~shall~~ must be computed on the basis
4 of the amount allowed herein in this section on account of
5 the last eligible pupil (ANB). All elementary schools
6 operated within the incorporated limits of a city or town
7 ~~shall~~ must be treated as one school for the purpose of this
8 schedule."

9 **Section 16.** Section 20-9-317, MCA, is amended to read:

10 "20-9-317. High school maximum---budget foundation
11 program schedule for 1985-86. For school year 1985-86, the
12 high school foundation program schedule is as follows:

13 (1) For each high school having an ANB of 24 or fewer
14 pupils, the maximum ~~shall-be~~ is \$113,708.

15 (2) For a secondary high school having an ANB of more
16 than 24 pupils, the maximum of \$4,738 ~~shall-be~~ is decreased
17 at the rate of \$25.84 for each additional pupil until the
18 ANB ~~shall-have-reached~~ reaches a total of 40 such pupils.

19 (3) For a school having an ANB of more than 40 pupils,
20 the maximum of \$4,324 ~~shall-be~~ is decreased at the rate of
21 \$25.84 for each additional pupil until the ANB ~~shall-have~~
22 reached reaches 100 pupils.

23 (4) For a school having an ANB of more than 100
24 pupils, a the maximum of \$2,774 ~~shall-be~~ is decreased at the
25 rate of \$4.32 for each additional pupil until the ANB ~~shall~~

1 ~~have-reached~~ reaches 200 pupils.

2 (5) For a school having an ANB of more than 200
3 pupils, the maximum of \$2,342 ~~shall-be~~ is decreased by \$2.38
4 for each additional pupil until the ANB ~~shall-have-reached~~
5 reaches 300 pupils.

6 (6) For a school having an ANB of more than 300
7 pupils, the maximum of \$2,104 ~~shall-be~~ is decreased at the
8 rate of 44 cents for each additional pupil until the ANB
9 ~~shall-have-reached~~ reaches 600 pupils.

10 (7) For a school having an ANB over of more than 600
11 pupils, the maximum ~~shall~~ may not exceed \$1,973 per pupil.

12 (8) The maximum per pupil for all pupils (ANB) and for
13 all high schools ~~shall~~ must be computed on the basis of the
14 amount allowed herein in this section on account of the last
15 eligible pupil (ANB). All high schools and junior high
16 schools which have been approved and accredited as junior
17 high schools, operated within the incorporated limits of a
18 city or town, ~~shall~~ must be treated as one school for the
19 purpose of this schedule."

20 **Section 17.** Section 20-9-318, MCA, is amended to read:

21 "20-9-318. Elementary school maximum-budget foundation
22 program schedule for 1987-88 and succeeding years. For
23 1987-88 and succeeding school years, the elementary school
24 maximum-budget foundation program schedule is as follows:

25 (1) For each elementary school having an ANB of nine

1 or fewer pupils, the maximum shall-be is \$20,158 if said the
2 school is approved as an isolated school.

3 (2) For schools with an ANB of 10 pupils but less than
4 18 pupils, the maximum shall-be is \$20,158 plus \$842.50 per
5 pupil on the basis of the average number belonging over
6 nine.

7 (3) For schools with an ANB of at least 14 pupils but
8 less than 18 pupils that qualify for instructional aide
9 funding under 20-9-322, the maximum shall-be is \$33,042 plus
10 \$842.50 per pupil on the basis of the average number
11 belonging over 14.

12 (4) For schools with an ANB of 18 pupils and employing
13 one teacher, the maximum shall-be is \$27,741 plus \$842.50
14 per pupil on the basis of the average number belonging over
15 18, not to exceed an ANB of 25.

16 (5) For schools with an ANB of 18 pupils and employing
17 two full-time teachers, the maximum shall-be is \$44,290 plus
18 \$527.60 per pupil on the basis of the average number
19 belonging over 18, not to exceed an ANB of 50.

20 (6) For schools having an ANB in excess of 40, the
21 maximum, on the basis of the total pupils (ANB) in the
22 district for-elementary-pupils-will-be, is as follows:

23 (a) For a school having an ANB of more than 40 and
24 employing a minimum of three teachers, the maximum of \$1,957
25 shall-be is decreased at the rate of \$1.90 for each

1 additional pupil until the total number (ANB) shall--have
2 reached-a-total-of reaches 100 pupils.

3 (b) For a school having an ANB of more than 100
4 pupils, the maximum of \$1,843 shall-be is decreased at the
5 rate of \$1.74 for each additional pupil until the ANB shall
6 have-reached reaches 300 pupils.

7 (c) For a school having an ANB of more than 300
8 pupils, the maximum shall may not exceed \$1,496 for each
9 pupil.

10 (7) The maximum per pupil for all pupils (ANB) and for
11 all elementary schools shall must be computed on the basis
12 of the amount allowed herein in this section on account of
13 the last eligible pupil (ANB). All elementary schools
14 operated within the incorporated limits of a city or town
15 shall must be treated as one school for the purpose of this
16 schedule."

17 **Section 18.** Section 20-9-319, MCA, is amended to read:
18 "20-9-319. High school maximum--budget foundation
19 program schedule for 1987-88 and succeeding years. For
20 1987-88 and succeeding school years, the high school maximum
21 budget foundation program schedule is as follows:

22 (1) For each high school having an ANB of 24 or fewer
23 pupils, the maximum shall-be is \$114,845.

24 (2) For a secondary high school having an ANB of more
25 than 24 pupils, the maximum of \$4,785 shall-be is decreased

1 at the rate of \$26.10 for each additional pupil until the
2 ANB ~~shall have reached~~ reaches a total of 40 such pupils.

3 (3) For a school having an ANB of more than 40 pupils,
4 the maximum of \$4,368 ~~shall be~~ is decreased at the rate of
5 \$26.10 for each additional pupil until the ANB ~~shall have~~
6 ~~reached~~ reaches 100 pupils.

7 (4) For a school having an ANB of more than 100
8 pupils, a the maximum of \$2,802 ~~shall be~~ is decreased at the
9 rate of \$4.37 for each additional pupil until the ANB ~~shall~~
10 ~~have reached~~ reaches 200 pupils.

11 (5) For a school having an ANB of more than 200
12 pupils, the maximum of \$2,365 ~~shall be~~ is decreased by \$2.40
13 for each additional pupil until the ANB ~~shall have reached~~
14 reaches 300 pupils.

15 (6) For a school having an ANB of more than 300
16 pupils, the maximum of \$2,125 ~~shall be~~ is decreased at the
17 rate of 44 cents for each additional pupil until the ANB
18 ~~shall have reached~~ reaches 600 pupils.

19 (7) For a school having an ANB over of more than 600
20 pupils, the maximum ~~shall~~ may not exceed \$1,993 per pupil.

21 (8) The maximum per pupil for all pupils (ANB) and for
22 all high schools ~~shall~~ must be computed on the basis of the
23 amount allowed herein in this section on account of the last
24 eligible pupil (ANB). All high schools and junior high
25 schools which have been approved and accredited as junior

1 high schools, operated within the incorporated limits of a
2 city or town, ~~shall~~ must be treated as one school for the
3 purpose of this schedule."

4 **Section 19.** Section 20-9-320, MCA, is amended to read:

5 "**20-9-320.** ~~Maximum---general--fund--budget~~ Foundation
6 program schedule amount for junior high school. (1) The
7 ~~general--fund--budget~~ foundation program schedule amount for
8 an approved and accredited junior high school ~~shall~~ must be
9 prorated between the elementary district ~~general-fund-budget~~
10 foundation program schedule amount and the high school
11 district ~~general-fund--budget~~ foundation program schedule
12 amount in the following manner:

13 (a) determine the per-ANB schedule amount for the
14 school, as defined by 20-9-317 and 20-9-319, from the high
15 school schedule;

16 (b) calculate the ANB for the regularly enrolled
17 full-time pupils enrolled in the 7th and 8th grades of the
18 junior high school;

19 (c) multiply the per-ANB schedule amount determined in
20 subsection (1)(a) by the ANB calculated in subsection (1)(b)
21 to determine the authorized ~~general-fund-budget~~ amount which
22 ~~shall--be~~ available for the elementary district ~~general-fund~~
23 budget foundation program; and

24 (d) subtract the amount determined in subsection
25 (1)(c) from the total authorized ~~general-fund-budget~~ amount

1 for the school to determine the authorized ~~general--fund~~
2 ~~budget~~ amount ~~which shall be~~ available for the high school
3 ~~district general-fund-budget~~ foundation program.

4 (2) The ~~general-fund-budget~~ amount determined for each
5 school of a district under the schedules provided in
6 20-9-316 through 20-9-319 ~~shall~~ must be totaled to determine
7 the ~~maximum-general-fund-budget-without-a-voted-levy~~
8 foundation program schedule amount for such the district."

9 **Section 20.** Section 20-9-321, MCA, is amended to read:

10 "20-9-321. ~~Maximum---~~~~general--fund--budget~~ Foundation
11 program and contingency funds for special education. (1) For
12 the purpose of establishing the
13 ~~maximum-budget-without-a-vote~~ foundation program amount for
14 a current year special education program for a school
15 district, the superintendent of public instruction ~~will~~
16 shall determine the total estimated cost of the special
17 education program for the school district on the basis of a
18 special education program budget submitted by the district.
19 The budget ~~will~~ must be prepared on forms provided by the
20 superintendent of public instruction and ~~will~~ must set out
21 for each program:

22 (a) the estimated allowable costs associated with
23 operating the program where allowable costs are as defined
24 in 20-7-431;

25 (b) the number of pupils expected to be enrolled in

1 the program; and

2 (c) any other data required by the superintendent of
3 public instruction for budget justification purposes and to
4 administer the provisions of 20-9-315 through 20-9-321.

5 (2) The total amount of allowable costs approved by
6 the superintendent of public instruction ~~shall be~~ is the
7 special education ~~maximum-budget-without-a-vote~~ foundation
8 program amount for current year special education program
9 purposes. The total amount of allowable costs that are
10 approved for the special education budget ~~shall~~ may not,
11 under any condition, be less than the
12 ~~maximum-budget-without-a-vote~~ foundation program amount for
13 one regular ANB for each ~~special~~ full-time special pupil in
14 the school district.

15 (3) If a special education program is implemented or
16 expanded during a given school term too late to be included
17 in the determination of the district
18 ~~maximum-budget-without-a-vote~~ foundation program for the
19 school year as prescribed in this part, allowable costs
20 approved under the budgeting provisions of subsections (1)
21 and (2) for the operation of the program during the given
22 year must be funded from any legislative appropriation for
23 contingency financing for special education. Contingency
24 funds granted under this subsection must be deposited in a
25 separate account of the miscellaneous programs fund of the

1 district as provided in 20-9-507. However, if contingency
 2 funds are not available, then subject to the approval of the
 3 program by the superintendent under the emergency budget
 4 provisions of 20-9-161(5), allowable costs for the given
 5 year may be added to the ~~maximum-budget-without-a-vote~~
 6 foundation program amount for special education for the
 7 subsequent school year. ~~Such~~ The allowable costs must be
 8 recorded as previous year special education expenses in the
 9 school district budget for the subsequent school year.

10 (4) The sum of the previous year special education
 11 expenses as defined in subsection (3) ~~above~~ and the
 12 ~~maximum-budget-without-a-vote~~ foundation program amount for
 13 current year special education as defined in subsections (1)
 14 and (2) ~~shall--be~~ is the special education budget for
 15 accounting purposes.

16 (5) The ~~maximum-budget-without-a-vote~~ foundation
 17 program amount for special education ~~will~~ must be added to
 18 the ~~maximum-budget-without-a-vote~~ foundation program amount
 19 of the regular program ANB defined in 20-9-311 and 20-9-313
 20 to obtain the total ~~maximum-budget-without-a-vote~~ foundation
 21 program amount for the district."

22 **Section 21.** Section 20-9-331, MCA, is amended to read:

23 "20-9-331. Basic county tax and other revenues for
 24 county equalization of the elementary district foundation
 25 program. (1) ~~It--shall--be--the--duty--of--the~~ The county

1 commissioners of each county to shall levy an annual basic
 2 tax of ~~28~~ 34 mills on the ~~dollars~~ dollar of the taxable
 3 value of all taxable property within the county, except for
 4 ~~vehicles--subject--to--taxation--under--61-3-504(2)~~ property
 5 subject to a tax or fee under 23-2-517, 23-2-803,
 6 61-3-504(2), 61-3-521, 61-3-537, and 67-3-204, for the
 7 purposes of local and state foundation program support. The
 8 revenue ~~to--be~~ collected from this levy ~~shall~~ must be
 9 apportioned to the support of the foundation programs of the
 10 elementary school districts in the county and to the state
 11 special 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 sum of the
 15 estimated revenues revenue identified in subsection (2)
 16 ~~below--shall~~ must be subtracted from the ~~sum--of--the--county~~
 17 ~~elementary--transportation--obligation--and--the~~ total of the
 18 foundation programs of all elementary districts of the
 19 county.

20 (b) If the basic levy prescribed by this section
 21 produces more revenue than is required to finance the
 22 difference determined ~~above~~ in subsection (1)(a), the county
 23 treasurer shall remit the surplus funds to the state
 24 treasurer for deposit to the state special revenue fund,
 25 state equalization aid account, immediately upon occurrence

1 of a surplus balance and each subsequent month thereafter,
2 with any final remittance due no later than June 20 of the
3 fiscal year for which the levy has been set.

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

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

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

19 (c) all money paid into the county treasury as a
20 result of fines for violations of law, except money paid to
21 a justice's court, and the use of which is not otherwise
22 specified by law;

23 (d) any money remaining at the end of the immediately
24 preceding school fiscal year in the county treasurer's
25 account accounts for the various sources of revenue

1 established or referred to in this section;

2 (e) any federal or state money distributed to the
3 county as payment in lieu of the property taxation
4 ~~established--by--the--county--levy--required--by--this--section,~~
5 including federal forest reserve funds allocated under the
6 provisions of 17-3-213;

7 (f) net proceeds taxes for interim production and new
8 production, as defined in 15-23-601; and

9 (g) anticipated revenue from ~~vehicle~~ property taxes
10 and fees imposed under 23-2-517, 23-2-803, 61-3-504(2),
11 61-3-521, and 61-3-537, and 67-3-204."

12 **Section 22.** Section 20-9-333, MCA, is amended to read:

13 "20-9-333. Basic special levy and other revenues for
14 county equalization of high school district foundation
15 program. (1) ~~It--shall--be--the--duty--of--the~~ The county
16 commissioners of each county ~~to~~ shall levy an annual basic
17 special tax for high schools of ~~17~~ 21 mills on the dollar of
18 the taxable value of all taxable property within the county,
19 ~~except for vehicles-subject-to--taxation--under--61-3-504(2)~~
20 property subject to a tax or fee under 23-2-517, 23-2-803,
21 61-3-504(2), 61-3-521, 61-3-537, and 67-3-204, for the
22 purposes of local and state foundation program support. The
23 revenue ~~to--be~~ collected from this levy ~~shall~~ must be
24 apportioned to the support of the foundation programs of
25 high school districts in the county and to the state special

1 revenue fund, state equalization aid account, in the
2 following manner:

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

10 (b) If the basic levy prescribed by this section
11 produces more revenue than is required to finance the
12 difference determined above in subsection (1)(a), the county
13 treasurer shall remit the surplus to the state treasurer for
14 deposit to the state special revenue fund, state
15 equalization aid account, immediately upon occurrence of a
16 surplus balance and each subsequent month thereafter, with
17 any final remittance due no later than June 20 of the fiscal
18 year for which the levy has been set.

19 (2) The proceeds revenue realized from the county's
20 portion of the levy prescribed in this section and the
21 revenues revenue from the following sources ~~shall~~ must be
22 used for the equalization of the high school district
23 foundation programs of the county as prescribed in 20-9-334,
24 and a separate accounting ~~shall~~ must be kept of these
25 proceeds the revenue by the county treasurer in accordance

1 with 20-9-212(1):

2 (a) any money remaining at the end of the immediately
3 preceding school fiscal year in the county treasurer's
4 accounts for the various sources of revenue established in
5 this section;

6 (b) any federal or state moneys money distributed to
7 the county as a payment in lieu of the property taxation
8 ~~established by the county levy required by this section,~~
9 including federal forest reserve funds allocated under the
10 provisions of 17-3-213;

11 (c) net proceeds taxes for interim production and new
12 production, as defined in 15-23-601; and

13 (d) anticipated revenue from ~~vehicle~~ property taxes
14 and fees imposed under 23-2-517, 23-2-803, 61-3-504(2),
15 61-3-521, and 61-3-537, and 67-3-204."

16 **Section 23.** Section 90-6-309, MCA, is amended to read:
17 "90-6-309. Tax prepayment -- large-scale mineral
18 development. (1) After permission to commence operation is
19 granted by the appropriate governmental agency, and upon
20 request of the governing body of a county in which a
21 facility is to be located, a person intending to construct
22 or locate a large-scale mineral development in this state
23 shall prepay property taxes as specified in the impact plan.
24 This prepayment shall exclude the 6-mill university levy
25 established under 20-25-423 and may exclude the mandatory

1 county levy levies for the school foundation program of--45
2 millis established in 20-9-331 and 20-9-333.

3 (2) The person who is to prepay under this section
4 shall is not be obligated to prepay the entire amount
5 established in subsection (1) at one time. Upon request of
6 the governing body of an affected local government unit, the
7 person shall prepay the amount shown to be needed from time
8 to time as determined by the board.

9 (3) The person who is to prepay shall guarantee to the
10 hard-rock mining impact board, through an appropriate
11 financial institution, as may be required by the board, that
12 property tax prepayments will be paid as needed for
13 expenditures created by the impacts of the large-scale
14 mineral development.

15 (4) When the mineral development facilities are
16 completed and assessed by the department of revenue, they
17 shall-be are subject during the first 3 years and thereafter
18 to taxation as all other property similarly situated, except
19 that in each year after the start of production, the local
20 government unit that received a property tax prepayment
21 shall provide for repayment of prepaid property taxes in
22 accordance with subsection (5).

23 (5) A local government unit that received all or a
24 portion of the property tax prepayment under this section
25 shall provide for tax crediting as specified in the impact

1 plan. The tax credit allowed in any year may not, however,
2 exceed the tax obligation of the developer for that year,
3 and the time period for tax crediting is limited to the
4 productive life of the mining operation."

5 NEW SECTION. **Section 24. Repealer.** Section 20-9-352,
6 MCA, is repealed.

7 NEW SECTION. **Section 25. Effective date.** [This act]
8 is effective July 1, 1990.

-End-