

HOUSE BILL 52

Introduced by Cobb

12/23	Introduced
12/31	Fiscal Note Requested
1/04	Referred to School Funding Select Committee
1/04	First Reading
1/11	Fiscal Note Received
1/12	Fiscal Note Printed
3/26	Missed Transmittal Deadline

## 1 HOUSE BILL NO. 52

2 INTRODUCED BY COBB

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING LIMITATIONS  
5 ON THE FUNDING LEVEL FOR THE BASIC INSTRUCTIONAL PROGRAM  
6 PORTION OF THE GENERAL FUND BUDGET, AS THAT PORTION IS SET  
7 FORTH IN THE ACCREDITATION STANDARDS; ALLOWING A DISTRICT TO  
8 MAINTAIN AND OPERATE PROGRAMS THAT EXCEED THE BASIC  
9 INSTRUCTIONAL PROGRAM PORTION THROUGH AN ADDITIONAL LEVY FOR  
10 THE GENERAL FUND BUDGET; AMENDING SECTIONS 20-9-315 AND  
11 20-9-353, MCA; AND PROVIDING AN EFFECTIVE DATE."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 20-9-315, MCA, is amended to read:

15 "20-9-315. Maximum general fund budget and exceptions.

16 (1) The total amount of the general fund budget of a  
17 district may not be greater than the district's foundation  
18 program as provided in 20-9-303, except when a district has  
19 adopted a budget amendment under the provisions of 20-9-165  
20 or when a district satisfies the requirements of 20-9-145  
21 and 20-9-353.

22 (2) Notwithstanding the provisions of subsection (1),  
23 ~~for school fiscal year 1991 and succeeding years, the basic~~  
24 instructional program portion of a district's maximum  
25 general fund budget, as set forth in the accreditation

1 standards under the provisions of 20-7-111, may not exceed  
2 the greater of:

3 (a) 135% of the foundation program amount provided for  
4 in 20-9-303; or

5 (b) 104% of the district's basic instructional portion  
6 of the general fund budget amount for the previous school  
7 fiscal year, including any school district expenses from the  
8 previous school fiscal year approved for inclusion in this  
9 calculation by the superintendent of public instruction  
10 under 20-9-147.

11 (3) Subsection (2) does not apply when the source of  
12 funding for the excess amount is any of the following:

13 (a) Public Law 81-874 funds, until the state receives  
14 approval of an application to equalize the funds under 20  
15 U.S.C. 240(d); or

16 (b) general bonus payments under 20-6-401."

17 **Section 2.** Section 20-9-353, MCA, is amended to read:

18 "20-9-353. Additional levy for general fund -- election  
19 for authorization to impose. (1) Except as limited by  
20 20-9-315(2), the trustees of a district may propose to adopt  
21 a general fund budget in excess of the foundation program  
22 and the permissive amount for the district for any of the  
23 following purposes:

24 (a) building, altering, repairing, or enlarging any  
25 schoolhouse of the district;

(b) furnishing additional school facilities for the district;

(c) acquisition of land for the district;

(d) proper maintenance and operation of the school programs of the district that exceed the programs required to meet the accreditation standards under the provisions of 20-7-111; or

(e) severance pay for district employees.

(2) When the trustees of a district determine that an additional amount of financing is required for the general fund budget that is in excess of the statutory schedule amount and the permissive amount, the trustees shall submit the proposition of an additional levy to raise the excess amount of general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition, except that an election is not required to permit the school trustees to use any funds available to finance the additional amount other than those funds to be raised by the additional levy. The special election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state only the amount of money to be raised by additional property taxation, the approximate number of mills required to raise the money, and the purpose for which the money will be expended. The ballot must be in the following format:

## PROPOSITION

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

☐ FOR the levy.

☐ AGAINST the levy.

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

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

HB 0052/01

1 which it is effective."

2 NEW SECTION. **Section 3.** Effective date. [This act] is

3 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0052, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing limitations on the funding level for the basic instructional program portion of the general fund budget, as that portion is set forth in the accreditation standards; allowing a district to maintain and operate programs that exceed the basic instructional program portion through an additional levy for the general fund budget.

ASSUMPTIONS:

1. This bill has no impact on the foundation schedules and no impact on state guaranteed tax base aid.
2. Assume that, with the caps removed from all other programs except the instruction program, there will be increases and/or decreases to local taxpayers as voters approve and/or disapprove levy requests for additional funding.

FISCAL IMPACT:

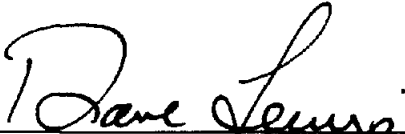
There is no fiscal impact to the State of Montana.

Revenue:

None

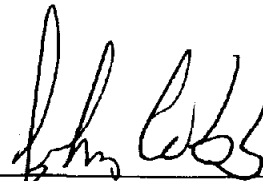
EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Unable to determine fiscal impacts to local districts and the taxpayers thereof.

 1-9-93

DAVE LEWIS, BUDGET DIRECTOR  
Office of Budget and Program Planning

DATE



JOHN COBB, PRIMARY SPONSOR

DATE

Fiscal Note for HB0052, as introduced

HB 52