

HOUSE BILL 424

Introduced by Spring, et al.

2/02	Introduced
2/02	Referred to Education & Cultural Resources
2/02	First Reading
2/08	Hearing
2/09	Committee Report--Bill Passed as Amended
2/12	2nd Reading Passed
2/15	3rd Reading Passed
	Transmitted to Senate
2/20	First Reading
2/20	Referred to Education & Cultural Resources
3/10	Hearing
3/19	Tabled in Committee

1 House BILL NO. 424
 2 INTRODUCED BY Spring
 3 Pete John Johnson
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SCHOOL
 5 DISTRICT TO DIRECT OUT-OF-DISTRICT SPECIAL EDUCATION TUITION
 6 TO DISTRICT SPECIAL EDUCATION PROGRAMS THROUGH THE
 7 MISCELLANEOUS PROGRAMS FUND RATHER THAN TO APPLY THE TUITION
 8 TO REDUCE ANY LEVY REQUIREMENTS FOR THE DISTRICT GENERAL
 9 FUND BUDGET; AMENDING SECTIONS 20-5-307, 20-5-312, AND
 10 20-9-141, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

13 **Section 1.** Section 20-5-307, MCA, is amended to read:

14 "20-5-307. Budgeting, levy requirement, and paying
 15 elementary tuition. (1) The tuition amount that has been
 16 established in 20-5-305 must be paid during the ensuing
 17 school fiscal year. The trustees of the elementary district
 18 shall include the amount in the tuition fund of the
 19 preliminary budget. If the trustees ~~should~~ fail to include
 20 the amount or any portion of it in the preliminary budget,
 21 they shall adjust the budgeted amount in adopting the final
 22 budget to provide for the total tuition amount that is due
 23 during the ensuing school fiscal year. The adjustment is not
 24 subject to the budget adjustment provisions of 20-9-132.

25 (2) The county superintendent shall report the net

1 tuition fund levy requirement for each elementary district
 2 to the county commissioners on the second Monday of August,
 3 and a levy on the district must be made by the county
 4 commissioners in accordance with 20-9-142. The levy
 5 requirement must be calculated by subtracting from the total
 6 expenditure amount authorized in the final tuition fund
 7 budget the sum of the fund balance in the tuition fund at
 8 the end of the immediately preceding school fiscal year plus
 9 any other anticipated money that may be realized in the
 10 tuition fund.

11 (3) The trustees shall pay by warrants drawn on the
 12 tuition fund the tuition amounts owed to each district
 13 included in the county superintendent's notification
 14 provided under the provisions of 20-5-306. At least one-half
 15 of the payments must be made in December, and the remaining
 16 payments must be made by June 15 of the fiscal year.

17 (4) (a) Any unanticipated tuition receipts received
 18 under the provisions of chapter 7, part 4, ~~or this part~~ for
 19 the current school fiscal year must be deposited in a
 20 separate account of the district miscellaneous programs fund
 21 and may be used for that year in the manner provided for in
 22 that fund. ~~For the ensuing school fiscal year, the receipts~~
 23 ~~must be credited to the district general fund budget.~~

24 (b) Any tuition receipts received for the current
 25 school fiscal year for tuition obligations other than

obligations under the provisions of chapter 7, part 4, must be deposited in a separate account of the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the district general fund budget."

Section 2. Section 20-5-312, MCA, is amended to read:

"20-5-312. Reporting, budgeting, and payment for high school tuition. (1) Except as provided in subsection (2), on March 15, the trustees of each a high school district shall determine the rate of tuition for the current school fiscal year by:

(a) totaling the previous school fiscal year's expenditures from the district general fund, the debt service fund, and, if the pupil is a resident of another county, the retirement fund;

(b) dividing the amount determined in subsection (1)(a) above by the October 1 enrollment of the district for the previous school fiscal year, as reported to the office of public instruction for purposes of accreditation pursuant to 20-7-102 and 20-9-344; and

(c) subtracting from the amount determined in subsection (1)(b) the per-ANB amount allowed by the foundation program schedules and the per-ANB amount that is the ANB value per mill calculated pursuant to 20-9-366,

multiplied by the number of permissive and retirement mills levied.

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

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

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

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

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

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

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

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

(6) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence must be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of at least one-half of the high school tuition obligations established under this section out of the first money realized from the county basic special tax for high schools. The remaining obligations must be paid by June 15 of the school fiscal year. The payments must be made to the county treasurer of the county where each high school entitled to tuition is located. Except as provided in subsection (8), the county treasurer shall credit tuition receipts to the general fund of the applicable high school district, and the tuition

receipts must be used in accordance with the provisions of 20-9-141.

(7) For pupils attending a high school outside their district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district must be made by the county commissioners in accordance with 20-9-142. The levy requirement must be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the fund balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification. Payments must be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the

end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school district feel the transfer privilege provided by this subsection is being abused, they may appeal to the county superintendent of schools, who shall hold a hearing and either approve or disapprove the transfer.

(8) (a) Any unanticipated tuition receipts received under the provisions of chapter 7, part 4, or this part for the current school fiscal year must be deposited in a separate account of the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the district general fund budget.

(b) Any tuition receipts received for the current school fiscal year for tuition obligations other than obligations under the provisions of chapter 7, part 4, must be deposited in a separate account of the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the district general fund budget."

Section 3. Section 20-9-141, MCA, is amended to read:

"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each

district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the amount established by the schedules in 20-9-316 through 20-9-321 by totaling:

(i) the district's nonisolated school foundation program requirement to be met by a district levy as provided in 20-9-303; and

(ii) any additional general fund budget amount adopted by the trustees of the district under the provisions of 20-9-145 and 20-9-353, including any additional levies authorized by the electors of the district.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) anticipated federal money received under the provisions of Title I of Public Law 81-874 or other anticipated federal money received in lieu of that federal act;

(ii) except as provided in 20-5-307(4)(a) and 20-5-312(8)(a), anticipated tuition payments for out-of-district pupils under the provisions of 20-5-303, 20-5-307, 20-5-312, and 20-5-313;

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

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

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

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

(vii) anticipated revenue from local government severance taxes as provided in 15-36-112;

(viii) anticipated revenue from coal gross proceeds under 15-23-703;

(ix) 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);

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

(xi) any other revenue anticipated by the trustees to be received during the ensuing school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any additional general

fund budget amount adopted by the trustees of the district as the permissive amount under the provisions of 20-9-145 to determine the general fund permissive net levy requirement.

(d) Subtract any amount remaining after the determination in subsection (1)(c) from any additional funding requirement to be met by a district levy as provided in 20-9-303 and 20-9-353 to determine the additional general fund levy requirement.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund permissive net levy requirement by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the taxable valuation of the district divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners on the second Monday of August by the county superintendent as the general fund permissive net levy requirement and the additional general fund levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142."

LC 1235/01

1 NEW SECTION. **Section 4.** Effective date. [This act] is
2 effective July 1, 1993.

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 424

INTRODUCED BY SPRING, PECK, J. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SCHOOL DISTRICT TO DIRECT OUT-OF-DISTRICT SPECIAL EDUCATION TUITION TO DISTRICT SPECIAL EDUCATION PROGRAMS THROUGH THE MISCELLANEOUS PROGRAMS FUND RATHER THAN TO APPLY THE TUITION TO REDUCE ANY LEVY REQUIREMENTS FOR THE DISTRICT GENERAL FUND BUDGET; AMENDING SECTIONS 20-5-307, 20-5-312, AND 20-9-141, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-5-307, MCA, is amended to read:

"20-5-307. Budgeting, levy requirement, and paying elementary tuition. (1) The tuition amount that has been established in 20-5-305 must be paid during the ensuing school fiscal year. The trustees of the elementary district shall include the amount in the tuition fund of the preliminary budget. If the trustees should fail to include the amount or any portion of it in the preliminary budget, they shall adjust the budgeted amount in adopting the final budget to provide for the total tuition amount that is due during the ensuing school fiscal year. The adjustment is not subject to the budget adjustment provisions of 20-9-132.

(2) The county superintendent shall report the net

tuition fund levy requirement for each elementary district to the county commissioners on the second Monday of August, and a levy on the district must be made by the county commissioners in accordance with 20-9-142. The levy requirement must be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the fund balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund.

(3) The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification provided under the provisions of 20-5-306. At least one-half of the payments must be made in December, and the remaining payments must be made by June 15 of the fiscal year.

(4) (a) Any unanticipated tuition receipts received under the provisions of chapter 7, part 4, ~~or this part~~ for the current school fiscal year THAT EXCEED THE TUITION RECEIPTS OF THE PRIOR YEAR must be deposited in a separate account of the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. ~~For the ensuing school fiscal year, the receipts must be credited to the district general fund budget.~~

(b) Any OTHER tuition receipts received for the current

school fiscal year for--tuition--obligations--other--than obligations--under--the--provisions--of--chapter--77--part--47--must THAT EXCEED THE TUITION RECEIPTS OF THE PRIOR YEAR MAY be deposited in a separate account of the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the district general fund budget."

Section 2. Section 20-5-312, MCA, is amended to read:

"20-5-312. Reporting, budgeting, and payment for high school tuition. (1) Except as provided in subsection (2), on March 15, the trustees of each a high school district shall determine the rate of tuition for the current school fiscal year by:

(a) totaling the previous school fiscal year's expenditures from the district general fund, the debt service fund, and, if the pupil is a resident of another county, the retirement fund;

(b) dividing the amount determined in subsection (1)(a) above by the October 1 enrollment of the district for the previous school fiscal year, as reported to the office of public instruction for purposes of accreditation pursuant to 20-7-102 and 20-9-344; and

(c) subtracting from the amount determined in subsection (1)(b) the per-ANB amount allowed by the

foundation program schedules and the per-ANB amount that is the ANB value per mill calculated pursuant to 20-9-366, multiplied by the number of permissive and retirement mills levied.

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

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

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

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

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

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

(4) When the county superintendent receives a tuition report from a district, he the county superintendent shall immediately send the reported information to the

1 superintendent of each district in which the reported pupils
2 reside.

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

13 (6) The total amount of the high school tuition, with
14 consideration of any tuition waivers, for pupils attending a
15 high school outside the county of residence must be financed
16 by the county basic special tax for high schools as provided
17 in 20-9-334. In December, the county superintendent shall
18 cause the payment by county warrant of at least one-half of
19 the high school tuition obligations established under this
20 section out of the first money realized from the county
21 basic special tax for high schools. The remaining
22 obligations must be paid by June 15 of the school fiscal
23 year. The payments must be made to the county treasurer of
24 the county where each high school entitled to tuition is
25 located. Except as provided in subsection (8), the county

1 treasurer shall credit tuition receipts to the general fund
2 of the applicable high school district, and the tuition
3 receipts must be used in accordance with the provisions of
4 20-9-141.

5 (7) For pupils attending a high school outside their
6 district of residence but within the county of residence,
7 the total amount of the tuition, with consideration of any
8 tuition waivers, must be paid during the ensuing school
9 fiscal year. The trustees of the sending high school
10 district shall include the tuition amount in the tuition
11 fund of the preliminary and final budgets. This budgeted
12 tuition amount is not subject to the budget adjustment
13 provisions of 20-9-132. The county superintendent shall
14 report the net tuition fund levy requirement for each high
15 school district to the county commissioners on the second
16 Monday of August, and a levy on the district must be made by
17 the county commissioners in accordance with 20-9-142. The
18 levy requirement must be calculated by subtracting from the
19 total expenditure amount authorized in the final tuition
20 fund budget the sum of the fund balance in the tuition fund
21 at the end of the immediately preceding school fiscal year
22 plus any other anticipated money that may be realized in the
23 tuition fund. The trustees shall pay by warrants drawn on
24 the tuition fund the tuition amounts owed to each district
25 included in the county superintendent's notification.

1 Payments must be made whenever there is a sufficient amount
 2 of cash available in the tuition fund but no later than the
 3 end of the school fiscal year for which the budget is
 4 adopted. However, if the trustees of either the sending or
 5 receiving high school district feel the transfer privilege
 6 provided by this subsection is being abused, they may appeal
 7 to the county superintendent of schools, who shall hold a
 8 hearing and either approve or disapprove the transfer.

9 (8) (a) Any unanticipated tuition receipts received
 10 under the provisions of chapter 7, part 4, ~~or this part~~ for
 11 the current school fiscal year THAT EXCEED THE TUITION
 12 RECEIPTS OF THE PRIOR YEAR must be deposited in a separate
 13 account of the district miscellaneous programs fund and may
 14 be used for that year in the manner provided for in that
 15 fund. ~~For the ensuing school fiscal year, the receipts must~~
 16 ~~be credited to the district general fund budget.~~

17 (b) Any OTHER tuition receipts received for the current
 18 school fiscal year for--tuition--obligations--other--than
 19 obligations under the provisions of chapter 7, part 4,--must
 20 THAT EXCEED THE TUITION RECEIPTS OF THE PRIOR YEAR MAY be
 21 deposited in a separate account of the district
 22 miscellaneous programs fund and may be used for that year in
 23 the manner provided for in that fund. For the ensuing school
 24 fiscal year, the receipts must be credited to the district
 25 general fund budget."

1 **Section 3.** Section 20-9-141, MCA, is amended to read:

2 "20-9-141. Computation of general fund net levy
 3 requirement by county superintendent. (1) The county
 4 superintendent shall compute the levy requirement for each
 5 district's general fund on the basis of the following
 6 procedure:

7 (a) Determine the funding required for the district's
 8 final general fund budget less the amount established by the
 9 schedules in 20-9-316 through 20-9-321 by totaling:

10 (i) the district's nonisolated school foundation
 11 program requirement to be met by a district levy as provided
 12 in 20-9-303; and

13 (ii) any additional general fund budget amount adopted
 14 by the trustees of the district under the provisions of
 15 20-9-145 and 20-9-353, including any additional levies
 16 authorized by the electors of the district.

17 (b) Determine the money available for the reduction of
 18 the property tax on the district for the general fund by
 19 totaling:

20 (i) anticipated federal money received under the
 21 provisions of Title I of Public Law 81-874 or other
 22 anticipated federal money received in lieu of that federal
 23 act;

24 (ii) except as provided in 20-5-307(4)(a) and
 25 20-5-312(8)(a), anticipated tuition payments for

1 out-of-district pupils under the provisions of 20-5-303,
 2 20-5-307, 20-5-312, and 20-5-313;
 3 (iii) general fund balance reappropriated, as
 4 established under the provisions of 20-9-104;
 5 (iv) anticipated or reappropriated state impact aid
 6 received under the provisions of 20-9-304;
 7 (v) anticipated or reappropriated revenue from property
 8 taxes and fees imposed under 23-2-517, 23-2-803,
 9 61-3-504(2), 61-3-521, 61-3-537, and 67-3-204;
 10 (vi) anticipated net proceeds taxes for new production,
 11 as defined in 15-23-601;
 12 (vii) anticipated revenue from local government
 13 severance taxes as provided in 15-36-112;
 14 (viii) anticipated revenue from coal gross proceeds
 15 under 15-23-703;
 16 (ix) anticipated interest to be earned or reappropriated
 17 interest earned by the investment of general fund cash in
 18 accordance with the provisions of 20-9-213(4);
 19 (x) anticipated revenue from corporation license taxes
 20 collected from financial institutions under the provisions
 21 of 15-31-702; and
 22 (xi) any other revenue anticipated by the trustees to be
 23 received during the ensuing school fiscal year that may be
 24 used to finance the general fund, excluding any guaranteed
 25 tax base aid.

1 (c) Notwithstanding the provisions of subsection (2),
 2 subtract the money available to reduce the property tax
 3 required to finance the general fund that has been
 4 determined in subsection (1)(b) from any additional general
 5 fund budget amount adopted by the trustees of the district
 6 as the permissive amount under the provisions of 20-9-145 to
 7 determine the general fund permissive net levy requirement.
 8 (d) Subtract any amount remaining after the
 9 determination in subsection (1)(c) from any additional
 10 funding requirement to be met by a district levy as provided
 11 in 20-9-303 and 20-9-353 to determine the additional general
 12 fund levy requirement.
 13 (2) The county superintendent shall calculate the
 14 number of mills to be levied on the taxable property in the
 15 district to finance the general fund permissive net levy
 16 requirement by dividing the amount determined in subsection
 17 (1)(c) by the sum of:
 18 (a) the amount of guaranteed tax base aid that the
 19 district will receive for each mill levied, as certified by
 20 the superintendent of public instruction; and
 21 (b) the taxable valuation of the district divided by
 22 1,000.
 23 (3) The net general fund levy requirement determined in
 24 subsections (1)(c) and (1)(d) must be reported to the county
 25 commissioners on the second Monday of August by the county

1 superintendent as the general fund permissive net levy
2 requirement and the additional general fund levy requirement
3 for the district, and a levy must be set by the county
4 commissioners in accordance with 20-9-142."

5 NEW SECTION. **Section 4.** Effective date. [This act] is
6 effective July 1, 1993.

-End-

HOUSE BILL NO. 424

INTRODUCED BY SPRING, PECK, J. JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SCHOOL DISTRICT TO DIRECT OUT-OF-DISTRICT SPECIAL EDUCATION TUITION TO DISTRICT SPECIAL EDUCATION PROGRAMS THROUGH THE MISCELLANEOUS PROGRAMS FUND RATHER THAN TO APPLY THE TUITION TO REDUCE ANY LEVY REQUIREMENTS FOR THE DISTRICT GENERAL FUND BUDGET; AMENDING SECTIONS 20-5-307, 20-5-312, AND 20-9-141, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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"20-5-307. Budgeting, levy requirement, and paying elementary tuition. (1) The tuition amount that has been established in 20-5-305 must be paid during the ensuing school fiscal year. The trustees of the elementary district shall include the amount in the tuition fund of the preliminary budget. If the trustees should fail to include the amount or any portion of it in the preliminary budget, they shall adjust the budgeted amount in adopting the final budget to provide for the total tuition amount that is due during the ensuing school fiscal year. The adjustment is not subject to the budget adjustment provisions of 20-9-132.

(2) The county superintendent shall report the net

tuition fund levy requirement for each elementary district to the county commissioners on the second Monday of August, and a levy on the district must be made by the county commissioners in accordance with 20-9-142. The levy requirement must be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the fund balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund.

(3) The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification provided under the provisions of 20-5-306. At least one-half of the payments must be made in December, and the remaining payments must be made by June 15 of the fiscal year.

(4) (a) Any unanticipated tuition receipts received under the provisions of chapter 7, part 4, or this part for the current school fiscal year THAT EXCEED THE TUITION RECEIPTS OF THE PRIOR YEAR must be deposited in a separate account of the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. ~~For the ensuing school fiscal year, the receipts must be credited to the district general fund budget.~~

(b) Any OTHER tuition receipts received for the current

school fiscal year for--tuition--obligations--other--than
obligations--under-the-provisions-of-chapter-77-part-47-must
THAT EXCEED THE TUITION RECEIPTS OF THE PRIOR YEAR MAY be
deposited in a separate account of the district
miscellaneous programs fund and may be used for that year in
the manner provided for in that fund. For the ensuing school
fiscal year, the receipts must be credited to the district
general fund budget."

Section 2. Section 20-5-312, MCA, is amended to read:

"20-5-312. Reporting, budgeting, and payment for high school tuition. (1) Except as provided in subsection (2), on March 15, the trustees of each a high school district shall determine the rate of tuition for the current school fiscal year by:

(a) totaling the previous school fiscal year's expenditures from the district general fund, the debt service fund, and, if the pupil is a resident of another county, the retirement fund;

(b) dividing the amount determined in subsection (1)(a) above by the October 1 enrollment of the district for the previous school fiscal year, as reported to the office of public instruction for purposes of accreditation pursuant to 20-7-102 and 20-9-344; and

(c) subtracting from the amount determined in subsection (1)(b) the per-ANB amount allowed by the

foundation program schedules and the per-ANB amount that is the ANB value per mill calculated pursuant to 20-9-366, multiplied by the number of permissive and retirement mills levied.

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

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

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

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

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

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

(4) When the county superintendent receives a tuition report from a district, he the county superintendent shall immediately send the reported information to the

1 superintendent of each district in which the reported pupils
2 reside.

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

13 (6) The total amount of the high school tuition, with
14 consideration of any tuition waivers, for pupils attending a
15 high school outside the county of residence must be financed
16 by the county basic special tax for high schools as provided
17 in 20-9-334. In December, the county superintendent shall
18 cause the payment by county warrant of at least one-half of
19 the high school tuition obligations established under this
20 section out of the first money realized from the county
21 basic special tax for high schools. The remaining
22 obligations must be paid by June 15 of the school fiscal
23 year. The payments must be made to the county treasurer of
24 the county where each high school entitled to tuition is
25 located. Except as provided in subsection (8), the county

1 treasurer shall credit tuition receipts to the general fund
2 of the applicable high school district, and the tuition
3 receipts must be used in accordance with the provisions of
4 20-9-141.

5 (7) For pupils attending a high school outside their
6 district of residence but within the county of residence,
7 the total amount of the tuition, with consideration of any
8 tuition waivers, must be paid during the ensuing school
9 fiscal year. The trustees of the sending high school
10 district shall include the tuition amount in the tuition
11 fund of the preliminary and final budgets. This budgeted
12 tuition amount is not subject to the budget adjustment
13 provisions of 20-9-132. The county superintendent shall
14 report the net tuition fund levy requirement for each high
15 school district to the county commissioners on the second
16 Monday of August, and a levy on the district must be made by
17 the county commissioners in accordance with 20-9-142. The
18 levy requirement must be calculated by subtracting from the
19 total expenditure amount authorized in the final tuition
20 fund budget the sum of the fund balance in the tuition fund
21 at the end of the immediately preceding school fiscal year
22 plus any other anticipated money that may be realized in the
23 tuition fund. The trustees shall pay by warrants drawn on
24 the tuition fund the tuition amounts owed to each district
25 included in the county superintendent's notification.

Payments must be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school district feel the transfer privilege provided by this subsection is being abused, they may appeal to the county superintendent of schools, who shall hold a hearing and either approve or disapprove the transfer.

(8) (a) Any unanticipated tuition receipts received under the provisions of chapter 7, part 4, ~~or this part~~ for the current school fiscal year THAT EXCEED THE TUITION RECEIPTS OF THE PRIOR YEAR must be deposited in a separate account of the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. ~~For the ensuing school fiscal year, the receipts must be credited to the district general fund budget.~~

(b) Any OTHER tuition receipts received for the current school fiscal year ~~for--tuition--obligations--other--than obligations under the provisions of chapter 7, part 4--must THAT EXCEED THE TUITION RECEIPTS OF THE PRIOR YEAR MAY be deposited in a separate account of the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the district general fund budget.~~

Section 3. Section 20-9-141, MCA, is amended to read:

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

(a) Determine the funding required for the district's final general fund budget less the amount established by the schedules in 20-9-316 through 20-9-321 by totaling:

(i) the district's nonisolated school foundation program requirement to be met by a district levy as provided in 20-9-303; and

(ii) any additional general fund budget amount adopted by the trustees of the district under the provisions of 20-9-145 and 20-9-353, including any additional levies authorized by the electors of the district.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) anticipated federal money received under the provisions of Title I of Public Law 81-874 or other anticipated federal money received in lieu of that federal act;

(ii) except as provided in 20-5-307(4)(a) and 20-5-312(8)(a), anticipated tuition payments for

1 out-of-district pupils under the provisions of 20-5-303,
 2 20-5-307, 20-5-312, and 20-5-313;
 3 (iii) general fund balance reappropriated, as
 4 established under the provisions of 20-9-104;
 5 (iv) anticipated or reappropriated state impact aid
 6 received under the provisions of 20-9-304;
 7 (v) anticipated or reappropriated revenue from property
 8 taxes and fees imposed under 23-2-517, 23-2-803,
 9 61-3-504(2), 61-3-521, 61-3-537, and 67-3-204;
 10 (vi) anticipated net proceeds taxes for new production,
 11 as defined in 15-23-601;
 12 (vii) anticipated revenue from local government
 13 severance taxes as provided in 15-36-112;
 14 (viii) anticipated revenue from coal gross proceeds
 15 under 15-23-703;
 16 (ix) anticipated interest to be earned or reappropriated
 17 interest earned by the investment of general fund cash in
 18 accordance with the provisions of 20-9-213(4);
 19 (x) anticipated revenue from corporation license taxes
 20 collected from financial institutions under the provisions
 21 of 15-31-702; and
 22 (xi) any other revenue anticipated by the trustees to be
 23 received during the ensuing school fiscal year that may be
 24 used to finance the general fund, excluding any guaranteed
 25 tax base aid.

1 (c) Notwithstanding the provisions of subsection (2),
 2 subtract the money available to reduce the property tax
 3 required to finance the general fund that has been
 4 determined in subsection (1)(b) from any additional general
 5 fund budget amount adopted by the trustees of the district
 6 as the permissive amount under the provisions of 20-9-145 to
 7 determine the general fund permissive net levy requirement.

8 (d) Subtract any amount remaining after the
 9 determination in subsection (1)(c) from any additional
 10 funding requirement to be met by a district levy as provided
 11 in 20-9-303 and 20-9-353 to determine the additional general
 12 fund levy requirement.

13 (2) The county superintendent shall calculate the
 14 number of mills to be levied on the taxable property in the
 15 district to finance the general fund permissive net levy
 16 requirement by dividing the amount determined in subsection
 17 (1)(c) by the sum of:

18 (a) the amount of guaranteed tax base aid that the
 19 district will receive for each mill levied, as certified by
 20 the superintendent of public instruction; and

21 (b) the taxable valuation of the district divided by
 22 1,000.

23 (3) The net general fund levy requirement determined in
 24 subsections (1)(c) and (1)(d) must be reported to the county
 25 commissioners on the second Monday of August by the county

1 superintendent as the general fund permissive net levy
2 requirement and the additional general fund levy requirement
3 for the district, and a levy must be set by the county
4 commissioners in accordance with 20-9-142."

5 NEW SECTION. Section 4. Effective date. [This act] is
6 effective July 1, 1993.

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