

HOUSE BILL 76

Introduced by Brandewie, et al.

12/08	Fiscal Note Requested
12/09	Introduced
12/09	Referred to Education & Cultural Resources
12/09	First Reading
12/13	Hearing
12/14	Committee Report--Bill Passed
12/14	Fiscal Note Received
12/14	Fiscal Note Printed
12/15	2nd Reading Passed
12/15	3rd Reading Passed
	Transmitted to Senate
12/15	First Reading
12/15	Referred to Education & Cultural Resources
12/17	Hearing
12/17	Tabled in Committee

24 (a) except as provided in subsection (2), is at least
25 equal to the BASE budget established for the district; or

1 (b) except as provided in subsection (4), does not
2 exceed the maximum general fund budget established for the
3 district.

4 (2) (a) If the BASE budget for a district for--the
5 school--fiscal--year--beginning--on-July-17-19937 is greater
6 than the general fund budget of the district for the prior
7 school fiscal year, the trustees of the district:

8 (i) may increase the general fund budget for the
9 district by 4% of the previous year's general fund budget or
10 by 4% of the previous year's general fund budget per-ANB
11 multiplied by the current year's ANB for budgeting purposes;
12 but

13 (ii) may not adopt a general fund budget that reflects
14 less than the following general fund budget growth amounts
15 for the appropriate school fiscal year:

16 (A) 20% of the range between the district general fund
17 budget for the school fiscal year ending June 30, 1993, and
18 the BASE budget for the district for the school fiscal year
19 beginning July 1, 1993.

20 †B) 25% of the range between the district general fund
21 budget for the school fiscal year ending June 30, 1994, and
22 the BASE budget for the district for the school fiscal year
23 beginning July 1, 1994;

24 (e)(B) 33.3% of the range between the district general
25 fund budget for the school fiscal year ending June 30, 1995,

and the BASE budget for the district for the school fiscal year beginning July 1, 1995;

~~(B)~~(C) 50% of the range between the district general fund budget for the school fiscal year ending June 30, 1996, and the BASE budget for the district for the school fiscal year beginning July 1, 1996; or

~~(E)~~(D) the remainder of the range between the district general fund budget for the school fiscal year ending June 30, 1997, and the BASE budget for the district for the school fiscal year beginning July 1, 1997.

(b) ~~(i) For the school fiscal year beginning July 1, 1993, a district may not exceed the limitations in subsection (2)(a);~~

~~(ii) Except for the school fiscal year beginning July 1, 1993, whenever~~ (i) Whenever the trustees of a district adopt a general fund budget that exceeds one of the limitations in subsection (2)(a) but does not exceed the BASE budget for the district, the trustees shall submit a proposition on the amount that exceeds the limitation to the electors of the district, as provided in 20-9-353.

(ii) (A) Whenever the trustees of a district adopt a general fund budget that does not exceed one of the limitations in subsection (2)(a) but does exceed the BASE budget for the district, the trustees shall submit a proposition on the amount that exceeds the BASE budget to

the electors of the district, as provided in 20-9-353.

(B) A proposition submitted to the electors under subsection (2)(b)(ii)(A) may be submitted only twice in any year.

(c) Nothing in this section is intended to require a district to budget in excess of its BASE budget.

(3) Whenever (a) (i) Except as provided in subsection (2)(b)(ii), whenever the trustees of a district adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district, the trustees shall:

~~(a) adopt a resolution stating the reasons and purposes for exceeding the BASE budget amount if the~~ submit a proposition to the electors of the district, as provided in 20-9-353, for any budget amount that exceeds the previous year's general fund budget amount or the previous year's general fund budget per-ANB multiplied by the current year's ANB for budgeting purposes.

(ii) A proposition submitted to the electors under subsection (3)(a)(i) may be submitted only twice in any year.

(b) A general fund budget adopted under this subsection (3) does may not exceed the greater of:

(i) 104% of the previous year's general fund budget; or

(ii) 104% of the previous year's general fund budget

1 per-ANB multiplied by the current year's ANB for budgeting
2 purposes; or.

3 ~~(b) except for the school fiscal year beginning July 1,~~
4 ~~1993, submit a proposition on any amount of the over-BASE~~
5 ~~budget that exceeds one of the limitations in subsection~~
6 ~~(3)(a) to the electors of the district as provided in~~
7 ~~20-9-353.~~

8 ~~(c) For the school fiscal year beginning July 1, 1993,~~
9 ~~a district may not exceed the limitations in subsection~~
10 ~~(3)(a).~~

11 (4) (a) If the maximum general fund budget for a
12 district for an ensuing school fiscal year is less than the
13 general fund budget for the district for the current school
14 fiscal year, the trustees of the district may not adopt a
15 general fund budget for the ensuing school fiscal year that
16 is greater than the district's general fund budget for the
17 current school fiscal year.

18 (b) Except for the school fiscal years year beginning
19 July 1, 1993, and July 1, 1994, the trustees of the district
20 shall submit a proposition to raise any general fund budget
21 amount that is in excess of the maximum general fund budget
22 for the district to the electors who are qualified under
23 20-20-301 to vote on the proposition, as provided in
24 20-9-353.

25 (5) Whenever the trustees of a district adopt a general

1 fund budget that does not exceed the BASE budget for the
2 district, the trustees shall finance this amount with the
3 following sources of revenue:

4 (a) state equalization aid as provided in 20-9-343,
5 including any guaranteed tax base aid for which the district
6 may be eligible, as provided in 20-9-366 through 20-9-369;

7 (b) county equalization aid, as provided in 20-9-331
8 and 20-9-333;

9 (c) a district levy for support of a school not
10 approved as an isolated school under the provisions of
11 20-9-302;

12 (d) payments in support of special education programs
13 under the provisions of 20-9-321;

14 (e) nonlevy revenue as provided in 20-9-141; and

15 (f) a BASE budget levy on the taxable value of all
16 property within the district.

17 (6) The over-BASE budget amount of a district must be
18 financed by a levy on the taxable value of all property
19 within the district or other revenue available to the
20 district as provided in 20-9-141.

21 [(7) For the purpose of this section, the general fund
22 budget or general fund per-ANB budget for the school fiscal
23 year ending June 30, 1993, is the general fund budget funded
24 by any state, local, and federal revenue, excluding Public
25 Law 81-874 receipts received in the school fiscal year

ending June 30, 1993. Before excluding any Public Law 81-874 funding, a district may increase the district general fund budget for the school fiscal year ending June 30, 1993, by the allowable increases in subsections (2) and (3).]"

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

"20-9-353. Additional financing for general fund -- election for authorization to impose. (1) Except as limited by 20-9-308, the trustees of a district may propose to adopt a general fund budget in excess of the maximum general fund budget amount for the district.

(2) ~~Except as provided in 20-9-308(4)(b), when~~ 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 maximum general fund budget amount, the trustees shall submit the proposition to finance the excess amount of general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. 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 the amount of money to be financed, the approximate number of mills required to raise all or a portion of the money, and the purpose for which the money will be expended. The ballot must be in the following format:

PROPOSITION

Shall the district be authorized to expend the sum of (state the amount to be expended), and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing is made)?

☐ FOR budget authority and any levy.

☐ AGAINST budget authority and any levy.

(3) If the election on any additional financing 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 any 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 which it is effective.

(5) If the trustees of a district are required to submit a proposition to finance a base BASE budget amount,

1 as provided in 20-9-308(2)(b), or an over-BASE budget
2 amount, as provided in 20-9-308(3)(b), to the electors of
3 the district, the trustees shall comply with the provisions
4 of subsections (2) through (4)."

5 NEW SECTION. **Section 3.** Effective date --
6 applicability. [This act] is effective on passage and
7 approval and applies to budgets for the school year
8 beginning July 1, 1994.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0076, as introduced.

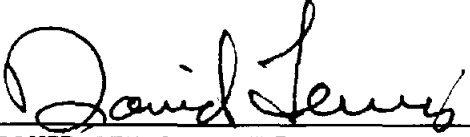
DESCRIPTION OF PROPOSED LEGISLATION: An act requiring voter approval for the over-BASE budget of a school district if the budget exceeds the previous year's general fund budget or the previous year's general fund budget per-ANB; limiting the over-BASE budget of a district to 104% of the previous year's general fund budget or 104% of the previous year's budget per-ANB; clarifying the voter approval requirements for a school district general fund budget that exceeds the BASE amount in part; limiting the referral of the requests for voter approval to twice a year.


ASSUMPTIONS:

1. For districts below the BASE funding level, current law requires voter approval for any budget growth that exceeds the greater of the growth amount required by 20-9-308(2)(a)(ii) or a 4% increase over the previous year's budget or budget per-ANB.
2. House Bill 76 limits the number of times that a proposition may be submitted to the voter to two.

FISCAL IMPACT: None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Local voters will control the growth in school district levies for any amount of budget authority that exceeds the previous year's budget or budget per-ANB. School district budgets and levies are likely to grow more slowly as a result.

 12-14
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 12-14-9-
RAY BRANIEWIE, PRIMARY SPONSOR DATE
Fiscal Note for HB0076, as introduced

HB 76

1 and the BASE budget for the district for the school fiscal
2 year beginning July 1, 1995;

3 ~~{B}{C}~~ 50% of the range between the district general
4 fund budget for the school fiscal year ending June 30, 1996,
5 and the BASE budget for the district for the school fiscal
6 year beginning July 1, 1996; or

7 ~~{E}{D}~~ the remainder of the range between the district
8 general fund budget for the school fiscal year ending June
9 30, 1997, and the BASE budget for the district for the
10 school fiscal year beginning July 1, 1997.

11 ~~(b) {i}-Per--the--school--fiscal-year--beginning--July--1--~~
12 ~~1993,--a--district--may--not--exceed--the---limitations---in~~
13 ~~subsection--{2}{a};~~

14 ~~{ii}-Except-for-the-school-fiscal-year-beginning-July-1-~~
15 ~~1993,--whenever (i) Whenever~~ the trustees of a district
16 adopt a general fund budget that exceeds one of the
17 limitations in subsection (2)(a) but does not exceed the
18 BASE budget for the district, the trustees shall submit a
19 proposition on the amount that exceeds the limitation to the
20 electors of the district, as provided in 20-9-353.

21 (ii) (A) Whenever the trustees of a district adopt a
22 general fund budget that does not exceed one of the
23 limitations in subsection (2)(a) but does exceed the BASE
24 budget for the district, the trustees shall submit a
25 proposition on the amount that exceeds the BASE budget to

1 the electors of the district, as provided in 20-9-353.

2 (B) A proposition submitted to the electors under
3 subsection (2)(b)(ii)(A) may be submitted only twice in any
4 year.

5 (c) Nothing in this section is intended to require a
6 district to budget in excess of its BASE budget.

7 (3) Whenever (a) (i) Except as provided in subsection
8 (2)(b)(ii), whenever the trustees of a district adopt a
9 general fund budget that exceeds the BASE budget for the
10 district but does not exceed the maximum general fund budget
11 for the district, the trustees shall:

12 ~~{a}--adopt-a-resolution-stating-the-reasons-and-purposes~~
13 ~~for-exceeding--the--BASE--budget--amount--if--the~~ submit a
14 proposition to the electors of the district, as provided in
15 20-9-353, for any budget amount that exceeds the previous
16 year's general fund budget amount or the previous year's
17 general fund budget per-ANB multiplied by the current year's
18 ANB for budgeting purposes.

19 (ii) A proposition submitted to the electors under
20 subsection (3)(a)(i) may be submitted only twice in any
21 year.

22 (b) A general fund budget adopted under this subsection
23 (3) does may not exceed the greater of:

24 (i) 104% of the previous year's general fund budget; or
25 (ii) 104% of the previous year's general fund budget

1 per-ANB multiplied by the current year's ANB for budgeting
2 purposes, or.

3 ~~{b}--except-for-the-school-fiscal-year-beginning-July-1-~~
4 ~~1993,--submit--a--proposition-on-any-amount-of-the-over-BASE~~
5 ~~budget-that-exceeds-one-of--the--limitations--in--subsection~~
6 ~~{3}{a}--to--the--electors--of--the--district,--as-provided-in~~
7 ~~20-9-353.~~

8 ~~{c}--For-the-school-fiscal-year-beginning-July-1,--1993,~~
9 ~~a--district--may--not--exceed--the-limitations-in-subsection~~
10 ~~{3}{a}.~~

11 (4) (a) If the maximum general fund budget for a
12 district for an ensuing school fiscal year is less than the
13 general fund budget for the district for the current school
14 fiscal year, the trustees of the district may not adopt a
15 general fund budget for the ensuing school fiscal year that
16 is greater than the district's general fund budget for the
17 current school fiscal year.

18 (b) Except for the school fiscal years year beginning
19 July-1-1993 and July 1, 1994, the trustees of the district
20 shall submit a proposition to raise any general fund budget
21 amount that is in excess of the maximum general fund budget
22 for the district to the electors who are qualified under
23 20-20-301 to vote on the proposition, as provided in
24 20-9-353.

25 (5) Whenever the trustees of a district adopt a general

1 fund budget that does not exceed the BASE budget for the
2 district, the trustees shall finance this amount with the
3 following sources of revenue:

4 (a) state equalization aid as provided in 20-9-343,
5 including any guaranteed tax base aid for which the district
6 may be eligible, as provided in 20-9-366 through 20-9-369;

7 (b) county equalization aid, as provided in 20-9-331
8 and 20-9-333;

9 (c) a district levy for support of a school not
10 approved as an isolated school under the provisions of
11 20-9-302;

12 (d) payments in support of special education programs
13 under the provisions of 20-9-321;

14 (e) nonlevy revenue as provided in 20-9-141; and

15 (f) a BASE budget levy on the taxable value of all
16 property within the district.

17 (6) The over-BASE budget amount of a district must be
18 financed by a levy on the taxable value of all property
19 within the district or other revenue available to the
20 district as provided in 20-9-141.

21 {(7) For the purpose of this section, the general fund
22 budget or general fund per-ANB budget for the school fiscal
23 year ending June 30, 1993, is the general fund budget funded
24 by any state, local, and federal revenue, excluding Public
25 Law 81-874 receipts received in the school fiscal year

1 ending June 30, 1993. Before excluding any Public Law 81-874
 2 funding, a district may increase the district general fund
 3 budget for the school fiscal year ending June 30, 1993, by
 4 the allowable increases in subsections (2) and (3).]"

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

6 "20-9-353. Additional financing for general fund --
 7 election for authorization to impose. (1) Except as limited
 8 by 20-9-308, the trustees of a district may propose to adopt
 9 a general fund budget in excess of the maximum general fund
 10 budget amount for the district.

11 ~~(2) Except as provided in 20-9-308(4)(b), when~~ When the
 12 trustees of a district determine that an additional amount
 13 of financing is required for the general fund budget that is
 14 in excess of the maximum general fund budget amount, the
 15 trustees shall submit the proposition to finance the excess
 16 amount of general fund financing to the electors who are
 17 qualified under 20-20-301 to vote upon the proposition. The
 18 special election must be called and conducted in the manner
 19 prescribed by this title for school elections. The ballot
 20 for the election must state the amount of money to be
 21 financed, the approximate number of mills required to raise
 22 all or a portion of the money, and the purpose for which the
 23 money will be expended. The ballot must be in the following
 24 format:

25 PROPOSITION

1 Shall the district be authorized to expend the sum of
 2 (state the amount to be expended), and being approximately
 3 (give number) mills, for the purpose of (insert the purpose
 4 for which the additional financing is made)?

5 ☐ FOR budget authority and any levy.

6 ☐ AGAINST budget authority and any levy.

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

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

24 (5) If the trustees of a district are required to
 25 submit a proposition to finance a ~~base~~ BASE budget amount,

1 as provided in 20-9-308(2)(b), or an over-BASE budget
2 amount, as provided in 20-9-308(3){b}, to the electors of
3 the district, the trustees shall comply with the provisions
4 of subsections (2) through (4)."

5 NEW SECTION. **Section 3.** Effective date --
6 applicability. [This act] is effective on passage and
7 approval and applies to budgets for the school year
8 beginning July 1, 1994.

-End-

24 (a) except as provided in subsection (2), is at least
25 equal to the BASE budget established for the district; or

1 (b) except as provided in subsection (4), does not
2 exceed the maximum general fund budget established for the
3 district.

4 (2) (a) If the BASE budget for a district for--the
5 ~~school--fiscal--year--beginning--on--July--17--1993~~, is greater
6 than the general fund budget of the district for the prior
7 school fiscal year, the trustees of the district:

8 (i) may increase the general fund budget for the
9 district by 4% of the previous year's general fund budget or
10 by 4% of the previous year's general fund budget per-ANB
11 multiplied by the current year's ANB for budgeting purposes;
12 but

13 (ii) may not adopt a general fund budget that reflects
14 less than the following general fund budget growth amounts
15 for the appropriate school fiscal year:

16 (A) 20% of the range between the district general fund
17 budget for the school fiscal year ending June 30, 1993, and
18 the BASE budget for the district for the school fiscal year
19 beginning July 1, 1993.

20 {B} 25% of the range between the district general fund
21 budget for the school fiscal year ending June 30, 1994, and
22 the BASE budget for the district for the school fiscal year
23 beginning July 1, 1994;

24 (C) (B) 33.3% of the range between the district general
25 fund budget for the school fiscal year ending June 30, 1995,

1 and the BASE budget for the district for the school fiscal
2 year beginning July 1, 1995;

3 ~~(B)~~(C) 50% of the range between the district general
4 fund budget for the school fiscal year ending June 30, 1996,
5 and the BASE budget for the district for the school fiscal
6 year beginning July 1, 1996; or

7 ~~(B)~~(D) the remainder of the range between the district
8 general fund budget for the school fiscal year ending June
9 30, 1997, and the BASE budget for the district for the
10 school fiscal year beginning July 1, 1997.

11 (b) ~~(i) For the school fiscal year beginning July 1,~~
12 ~~1993, a district may not exceed the limitations in~~
13 ~~subsection (2)(a):~~

14 ~~(ii) Except for the school fiscal year beginning July 1,~~
15 ~~1993, whenever (i) Whenever~~ the trustees of a district
16 adopt a general fund budget that exceeds one of the
17 limitations in subsection (2)(a) but does not exceed the
18 BASE budget for the district, the trustees shall submit a
19 proposition on the amount that exceeds the limitation to the
20 electors of the district, as provided in 20-9-353.

21 (ii) (A) Whenever the trustees of a district adopt a
22 general fund budget that does not exceed one of the
23 limitations in subsection (2)(a) but does exceed the BASE
24 budget for the district, the trustees shall submit a
25 proposition on the amount that exceeds the BASE budget to

1 the electors of the district, as provided in 20-9-353.

2 (B) A proposition submitted to the electors under
3 subsection (2)(b)(ii)(A) may be submitted only twice in any
4 year.

5 (c) Nothing in this section is intended to require a
6 district to budget in excess of its BASE budget.

7 (3) Whenever (a) (i) Except as provided in subsection
8 (2)(b)(ii), whenever the trustees of a district adopt a
9 general fund budget that exceeds the BASE budget for the
10 district but does not exceed the maximum general fund budget
11 for the district, the trustees shall:

12 (a) adopt a resolution stating the reasons and purposes
13 for exceeding the BASE budget amount if the submit a
14 proposition to the electors of the district, as provided in
15 20-9-353, for any budget amount that exceeds the previous
16 year's general fund budget amount or the previous year's
17 general fund budget per-ANB multiplied by the current year's
18 ANB for budgeting purposes.

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21 year.

22 (b) A general fund budget adopted under this subsection
23 (3) does may not exceed the greater of:

24 (i) 104% of the previous year's general fund budget; or
25 (ii) 104% of the previous year's general fund budget

1 per-ANB multiplied by the current year's ANB for budgeting
2 purposes~~7-or.~~

3 ~~(b)--except-for-the-school-fiscal-year-beginning-July-1,~~
4 ~~1993,--submit--a--proposition-on-any-amount-of-the-over-BASE~~
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6 ~~(3)(a)--to--the--electors--of--the--district,--as-provided-in~~
7 ~~20-9-353.~~

8 ~~(c)--For-the-school-fiscal-year-beginning-July-1,--1993,~~
9 ~~a--district--may--not--exceed--the--limitations-in-subsection~~
10 ~~(3)(a).~~

11 (4) (a) If the maximum general fund budget for a
12 district for an ensuing school fiscal year is less than the
13 general fund budget for the district for the current school
14 fiscal year, the trustees of the district may not adopt a
15 general fund budget for the ensuing school fiscal year that
16 is greater than the district's general fund budget for the
17 current school fiscal year.

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19 ~~July-1,--1993,--and~~ July 1, 1994, the trustees of the district
20 shall submit a proposition to raise any general fund budget
21 amount that is in excess of the maximum general fund budget
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23 year ending June 30, 1993, is the general fund budget funded
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25 Law 81-874 receipts received in the school fiscal year

ending June 30, 1993. Before excluding any Public Law 81-874 funding, a district may increase the district general fund budget for the school fiscal year ending June 30, 1993, by the allowable increases in subsections (2) and (3).]"

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"20-9-353. Additional financing for general fund -- election for authorization to impose. (1) Except as limited by 20-9-308, the trustees of a district may propose to adopt a general fund budget in excess of the maximum general fund budget amount for the district.

(2) ~~Except-as-provided-in-20-9-308(4)(b)7-~~when 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 maximum general fund budget amount, the trustees shall submit the proposition to finance the excess amount of general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. 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 the amount of money to be financed, the approximate number of mills required to raise all or a portion of the money, and the purpose for which the money will be expended. The ballot must be in the following format:

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☐ FOR budget authority and any levy.

☐ AGAINST budget authority and any levy.

(3) If the election on any additional financing 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 any 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.

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(5) If the trustees of a district are required to submit a proposition to finance a base BASE budget amount,

1 as provided in 20-9-308(2)(b), or an over-BASE budget
2 amount, as provided in 20-9-308(3)(b), to the electors of
3 the district, the trustees shall comply with the provisions
4 of subsections (2) through (4)."

5 NEW SECTION. **Section 3.** Effective date --
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-End-