

SENATE BILL NO. 1

INTRODUCED BY GAGE

NOVEMBER 29, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON TAXATION.

FIRST READING.

DECEMBER 15, 1993

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

PRINTING REPORT.

SECOND READING, DO PASS.

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

DECEMBER 16, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

DECEMBER 17, 1993

SECOND READING, CONCURRED IN AS
AMENDED.

THIRD READING, CONCURRED IN.
AYES, 91; NOES, 8.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

DECEMBER 18, 1993

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 1

INTRODUCED BY GAGE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING SCHOOL DISTRICTS TO USE ANTICIPATED AMOUNTS RATHER THAN ACTUAL AMOUNTS TO DETERMINE REVENUE AVAILABLE FOR REDUCTION OF PROPERTY TAXES IN SUPPORT OF DISTRICT GENERAL FUND BUDGETS; AMENDING SECTIONS 20-9-104 AND 20-9-141, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 20-9-104, MCA, is amended to read:

"20-9-104. General fund operating reserve. (1) At the end of each school fiscal year, the trustees of each district shall designate the portion of the general fund end-of-the-year fund balance that is to be earmarked as operating reserve for the purpose of paying general fund warrants issued by the district from July 1 to November 30 of the ensuing school fiscal year. Except as provided in subsections (5) and (6), the amount of the general fund balance that is earmarked as operating reserve may not exceed 10% of the final general fund budget for the ensuing school fiscal year.

(2) The amount held as operating reserve may not be used for property tax reduction in the manner permitted by

20-9-141(1)(b) for other receipts.

(3) Excess reserves as provided in subsection (5) may be appropriated to reduce the BASE budget levy, the over-BASE budget levy, or the additional levy provided by 20-9-353, except that districts with a balance on June 30, 1993, in the excess reserve account for Public Law 81-874 funds shall transfer the June 30, 1993, balance to the impact aid fund established in 20-9-514.

(4) Any portion of the general fund end-of-the-year fund balance that is not reserved under subsection (2) or reappropriated under subsection (3) is fund balance reappropriated and must be used for property tax reduction as provided in 20-9-141(1)(b){iii}.

(5) For fiscal year 1994 and subsequent fiscal years, the limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than one or more of the following:

(a) the unused balance of any amount received:

(i) in settlement of tax payments protested in a prior school fiscal year;

(ii) in taxes from a prior school fiscal year as a result of a tax audit by the department of revenue or its agents; and

(iii) in delinquent taxes from a prior school fiscal year; or

(b) any amount received as a general bonus payment under 20-6-401.

(6) The limitation of subsection (1) does not apply when the amount earmarked as operating reserve is \$10,000 or less."

Section 2. 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 sum of direct state aid and the special education allowable cost payment for the district by totaling:

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

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353, including any additional funding for a general fund budget that exceeds the maximum general fund budget.

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

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

(ii) ~~amounts--received-in-the-last-fiscal-year-for-which revenue-reporting-was-required-for--each--of--the--following sources:~~

~~†A†~~ anticipated tuition payments for out-of-district pupils under the provisions of 20-5-321 through 20-5-323;

~~†B†~~ (iii) 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;

~~†C†~~ (iv) anticipated net proceeds taxes for new production, as defined in 15-23-601;

~~†D†~~ (v) anticipated revenue from local government severance taxes as provided in 15-36-112;

~~†E†~~ (vi) anticipated revenue from coal gross proceeds under 15-23-703;

~~†F†~~ (vii) anticipated interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4);

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

~~†H†~~ (ix) 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

1 guaranteed tax base aid.

2 (c) Notwithstanding the provisions of subsection (2),
3 subtract the money available to reduce the property tax
4 required to finance the general fund that has been
5 determined in subsection (1)(b) from any general fund budget
6 amount adopted by the trustees of the district, up to the
7 BASE budget amount, to determine the general fund BASE
8 budget levy requirement.

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

15 (2) The county superintendent shall calculate the
16 number of mills to be levied on the taxable property in the
17 district to finance the general fund levy requirement for
18 any amount that does not exceed the BASE budget amount for
19 the district by dividing the amount determined in subsection
20 (1)(c) by the sum of:

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

24 (b) the taxable valuation of the district divided by
25 1,000.

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

7 NEW SECTION. **Section 3.** Effective date --
8 applicability. [This act] is effective July 1, 1994, and
9 applies to school district general fund budgets for the
10 school fiscal year beginning July 1, 1994.

-End-

APPROVED BY COMMITTEE
ON TAXATION

SENATE BILL NO. 1

INTRODUCED BY GAGE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING SCHOOL DISTRICTS TO USE ANTICIPATED AMOUNTS RATHER THAN ACTUAL AMOUNTS TO DETERMINE REVENUE AVAILABLE FOR REDUCTION OF PROPERTY TAXES IN SUPPORT OF DISTRICT GENERAL FUND BUDGETS; AMENDING SECTIONS 20-9-104 AND 20-9-141, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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1 guaranteed tax base aid.

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6 amount adopted by the trustees of the district, up to the
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8 budget levy requirement.

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10 determination in subsection (1)(c) from any additional
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6 amount adopted by the trustees of the district, up to the
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9 (d) Subtract any amount remaining after the
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7 NEW SECTION. **Section 3.** Effective date --
8 **applicability.** [This act] is effective July 1, 1994, and
9 applies to school district general fund budgets for the
10 school fiscal year beginning July 1, 1994.

-End-



HOUSE COMMITTEE OF THE WHOLE AMENDMENT

Senate Bill No. 1
Representative Kadas

December 17, 1993 11:10 am
Page 1 of 2

Mr. Chairman: I move to amend Senate Bill No. 1 (third reading copy -- blue).

Signed: Kadas
Representative Kadas

And, that such amendments to Senate Bill No. 1 read as follows:

1. Page 4.
Following: line 5
Insert: "amounts received in the last fiscal year for which
revenue reporting was required for each of the following:"
2. Page 4, line 6.
Strike: "anticipated"
Insert: "(A)"
3. Page 4, line 8.
Strike: "(iii) anticipated or reappropriated"
Insert: "(B)"
4. Page 4, line 11.
Strike: "(iv) anticipated"
Insert: "(C)"
5. Page 4, lines 13 through 16.
Strike: "(v)" on line 13 through ";" on line 16
6. Page 4, line 17.
Strike: "(vii) anticipated"
Insert: "(D)"
7. Page 4, line 20.
Strike: "(viii) anticipated"
Insert: "(E)"

8. Page 4, line 23.
Strike: "(ix)"
Insert: "(F)"

9. Page 4, lines 23 and 24.
Strike: "anticipated" on line 23 through "be" on line 24

10. Page 4, line 24.
Strike: "ensuing"

11. Page 5, line 1.
Following: "aid"
Insert: "; and
(iii) (A) pursuant to subsection (4), anticipated revenue
from local government severance taxes as provided in 15-36-112;
and
(B) pursuant to subsection (4), anticipated revenue from
coal gross proceeds under 15-23-703"

12. Page 6.
Following: line 6
Insert: "(4) For each school district, the department of revenue
shall calculate and report to the county superintendent the
amount of revenue anticipated for the ensuing fiscal year
from local government severance taxes, as provided in 15-36-
112, and from revenue from coal gross proceeds under 15-23-
703."

-END-

ADOPT

REJECT

AC

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SB1
HOUSE

SENATE BILL NO. 1

INTRODUCED BY GAGE

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(2) The amount held as operating reserve may not be used for property tax reduction in the manner permitted by

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(3) Excess reserves as provided in subsection (5) may be appropriated to reduce the BASE budget levy, the over-BASE budget levy, or the additional levy provided by 20-9-353, except that districts with a balance on June 30, 1993, in the excess reserve account for Public Law 81-874 funds shall transfer the June 30, 1993, balance to the impact aid fund established in 20-9-514.

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

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

(ii) ~~amounts--received-in-the-last-fiscal-year-for-which revenue-reporting-was-required-for--each--of--the--following sources:~~ AMOUNTS RECEIVED IN THE LAST FISCAL YEAR FOR WHICH REVENUE REPORTING WAS REQUIRED FOR EACH OF THE FOLLOWING:

~~(A)~~ anticipated (A) tuition payments for out-of-district pupils under the provisions of 20-5-321 through 20-5-323;

~~(B)(iii)-anticipated-or-reappropriated~~ (B) 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;

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

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

~~(E)(vi)-anticipated~~ revenue--from--coal--gross-proceeds under-15-23-703;

~~(F)(vii)-anticipated~~ (D) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4);

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

~~(H)(ix)(F)~~ 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; AND

(III) (A) PURSUANT TO SUBSECTION (4), ANTICIPATED REVENUE FROM LOCAL GOVERNMENT SEVERANCE TAXES AS PROVIDED IN 15-36-112; AND

(B) PURSUANT TO SUBSECTION (4), ANTICIPATED REVENUE FROM COAL GROSS PROCEEDS UNDER 15-23-703.

(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 general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

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

(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 levy requirement for any amount that does not exceed the BASE budget amount for

the district 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 fourth Monday of August by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) FOR EACH SCHOOL DISTRICT, THE DEPARTMENT OF REVENUE SHALL CALCULATE AND REPORT TO THE COUNTY SUPERINTENDENT THE AMOUNT OF REVENUE ANTICIPATED FOR THE ENSUING FISCAL YEAR FROM LOCAL GOVERNMENT SEVERANCE TAXES, AS PROVIDED IN 15-36-112, AND FROM REVENUE FROM COAL GROSS PROCEEDS UNDER 15-23-703."

NEW SECTION. Section 3. Effective date -- applicability. [This act] is effective July 1, 1994, and applies to school district general fund budgets for the school fiscal year beginning July 1, 1994.

-End-