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House BILL NO. 431

INTRODUCED BY

Shea

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE TRUSTEES OF A SCHOOL DISTRICT TO REQUEST VOTER APPROVAL FOR NONMANDATED LEVY AMOUNTS FOR THE GENERAL FUND BUDGET RATHER THAN REQUEST VOTER APPROVAL FOR BUDGET AUTHORITY; AMENDING SECTION 20-9-353, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 20-9-353, 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~~ The trustees of a district may propose to adopt:

(a) a BASE budget amount for the district general fund that exceeds the limitations or required budget increases provided in 20-9-308(2)(a);

(b) an over-BASE budget amount for the district general fund that does not exceed the maximum general fund budget for the district or other limitations, as provided in 20-9-308(3); or

(c) a general fund budget in excess of the maximum general fund budget amount for the district, as provided in 20-9-308(4)(b).

(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 from a district levy for the general fund budget ~~that is in excess of the maximum general fund budget amount pursuant to subsection (1), other than from a levy required under the provisions of 20-9-331, 20-9-333, 20-9-360, and 20-9-366 through 20-9-369,~~ 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)~~ a levy be

1 made in addition to the school district levies mandated by law, in the number of mills as is necessary to
 2 raise the sum of (state the amount to be raised by a nonmandated tax levy), and being approximately (give
 3 number) mills, for the purpose of (insert the purpose for which the additional financing is made) proper
 4 maintenance and operation of the school programs of the district?

5 FOR ~~budget authority and any~~ the levy.

6 AGAINST ~~budget authority and any~~ the levy.

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

14 (4) Authorization to levy an additional tax under the provisions of this section is effective for only
 15 1 school fiscal year and must be authorized by a special election conducted before August 1 of the school
 16 fiscal year for which it is effective.

17 (5) If the trustees of a district are required to submit a proposition to finance a BASE budget
 18 amount, as provided in 20-9-308(2)(b), ~~or~~ an over-BASE budget amount, as provided in
 19 20-9-308(3)(b)(3)(a), or an amount in excess of the maximum general fund budget amount for the district
 20 to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4)."

21

22 NEW SECTION. Section 2. Effective date -- applicability. [This act] is effective July 1, 1995, and
 23 applies to school district general fund budgets for the school fiscal year beginning July 1, 1996.

24

-END-

APPROVED BY COM ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 431

INTRODUCED BY SHEA

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(b) an over-BASE budget amount for the district general fund that does not exceed the maximum general fund budget for the district or other limitations, as provided in 20-9-308(3); or

(c) a general fund budget AMOUNT in excess of the maximum general fund budget amount for the district, as provided in 20-9-308(4)(b).

(2) ~~Except as provided in 20-9-308(4)(b), when~~ When the trustees of a district determine that ~~an~~ A VOTED additional amount of financing is required ~~from a district levy~~ for the general fund budget ~~that is in excess of the maximum general fund budget amount pursuant to subsection (1), other than from a levy required under the provisions of 20-9-331, 20-9-333, 20-9-360, and 20-9-366 through 20-9-369,~~ the trustees shall submit the proposition to finance the ~~excess~~ ADDITIONAL 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

1
 2 Shall ~~the district be authorized to expend the sum of (state the amount to be expended) a levy be~~
 3 ~~made in addition to the school district levies mandated by law, in the number of mills as is necessary to~~
 4 ~~raise the sum of (state the amount to be raised by a nonmandated tax levy) THE DISTRICT BE AUTHORIZED~~
 5 ~~TO EXPEND THE SUM OF (STATE THE ADDITIONAL AMOUNT TO BE EXPENDED),~~ and being
 6 approximately (give number) mills, for the purpose of ~~(insert the purpose for which the additional financing~~
 7 ~~is made) proper maintenance and operation of the school programs of the district (INSERT THE PURPOSE~~
 8 ~~FOR WHICH THE ADDITIONAL FINANCING IS MADE)?~~

9 [] FOR ~~budget authority and any~~ the BUDGET AUTHORITY AND ANY levy.

10 [] AGAINST ~~budget authority and any~~ the BUDGET AUTHORITY AND ANY levy.

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

18 (4) Authorization to levy an additional tax ~~under the provisions of this section~~ TO SUPPORT A
 19 BUDGET AMOUNT ADOPTED AS ALLOWED BY 20-9-308(4) is effective for only 1 school fiscal year ~~and~~
 20 ~~must be authorized by a~~

21 (5) ALL LEVIES ADOPTED UNDER THIS SECTION MUST BE AUTHORIZED BY A special election
 22 conducted before August 1 of the school fiscal year for which it is effective.

23 ~~(6)~~ (6) If the trustees of a district are required to submit a proposition to finance a AN INCREASED
 24 AMOUNT UP TO THE BASE budget amount, as provided in 20-9-308(2)(b), ~~or an~~ INCREASED over-BASE
 25 budget amount, as provided in 20-9-308~~(2)(b)~~(3)(a), or an amount in excess of the maximum general fund
 26 budget amount for the district AS ALLOWED BY 20-9-308(4) to the electors of the district, the trustees
 27 shall comply with the provisions of subsections (2) through (4)."

28
 29 NEW SECTION. Section 2. Effective date -- applicability. [This act] is effective July 1, 1995, and
 30 applies to school district general fund budgets for the school fiscal year beginning July 1, 1996.

-END-



1 HOUSE BILL NO. 431

2 INTRODUCED BY SHEA

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5 ~~REQUEST VOTER APPROVAL FOR NONMANDATED LEVY AMOUNTS FOR THE GENERAL FUND BUDGET~~
6 ~~RATHER THAN REQUEST VOTER APPROVAL FOR BUDGET AUTHORITY CLARIFYING THE PORTION OF~~
7 A SCHOOL DISTRICT GENERAL FUND BUDGET THAT REQUIRES VOTER APPROVAL; AMENDING SECTION
8 20-9-353, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 20-9-353, MCA, is amended to read:

13 "20-9-353. **Additional financing for general fund -- election for authorization to impose.** (1) ~~Except~~
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15 (a) a BUDGET AMOUNT UP TO THE BASE budget amount for the district general fund that exceeds
16 IS WITHIN the limitations of AND required budget increases provided in 20-9-308(2)(a);

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18 general fund budget for the district or other limitations, as provided in 20-9-308(3); or

19 (c) a general fund budget AMOUNT in excess of the maximum general fund budget amount for the
20 district, as provided in 20-9-308(4)(b).

21 (2) ~~Except as provided in 20-9-308(4)(b), when~~ When the trustees of a district determine that an
22 A VOTED additional amount of financing is required ~~from a district levy~~ for the general fund budget that
23 ~~is in excess of the maximum general fund budget amount pursuant to subsection (1), other than from a levy~~
24 ~~required under the provisions of 20-9-331, 20-9-333, 20-9-360, and 20-9-366 through 20-9-369,~~ the
25 trustees shall submit the proposition to finance the ~~excess~~ ADDITIONAL amount of general fund financing
26 to the electors who are qualified under 20-20-301 to vote upon the proposition. The special election must
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28 election must state the amount of money to be financed, the approximate number of mills required to raise
29 all or a portion of the money, and the purpose for which the money will be expended. The ballot must be
30 in the following format:

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 6 approximately (give number) mills, for the purpose of ~~(insert the purpose for which the additional financing~~
 7 ~~is made) proper maintenance and operation of the school programs of the district (INSERT THE PURPOSE~~
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11 (3) If the election on any additional financing for the general fund is approved by a majority vote
 12 of the electors voting at the election, the proposition carries and the trustees may use any portion or all of
 13 the authorized amount in adopting the preliminary general fund budget. The trustees shall certify any
 14 additional levy amount authorized by the special election on the budget form that is submitted to the county
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