

HOUSE BILL NO. 156

INTRODUCED BY D. BEDEY, L. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SCHOOL FUNDING LAWS; ENHANCING SCHOOL FUNDING EQUALIZATION BY REPLACING THE GUARANTEED-TAX-BASE-AID-SUPPORTED SCHOOL DISTRICT BASE LEVY WITH A GUARANTEED-TAX-BASE-AID-SUPPORTED COUNTYWIDE LEVY TO SUPPORT THE BASE BUDGETS OF SCHOOL DISTRICTS; REDUCING REQUIRED TUITION PAYMENTS TO REFLECT THE COUNTYWIDE LEVY; REVISING THE USE OF VARIOUS FORMS OF NONLEVY REVENUE IN RELATION TO SCHOOL DISTRICT GENERAL FUND BUDGETS; REPLACING DISTRICT GUARANTEED TAX BASE AID WITH COUNTY GUARANTEED TAX BASE AID IN SUPPORT OF THE NEW COUNTYWIDE LEVY; REVISING GUARANTEED TAX BASE AID LAWS; REVISING THE DUTIES OF TRUSTEES, DISTRICT CLERKS, COUNTY SUPERINTENDENTS, AND COUNTY TREASURERS AS RELATED TO THE NEW COUNTYWIDE LEVY; AMENDING SECTIONS 7-15-4291, 15-1-402, 20-3-209, 20-3-324, 20-5-323, 20-5-324, 20-6-702, 20-9-101, 20-9-104, 20-9-131, 20-9-141, 20-9-212, 20-9-235, 20-9-306, 20-9-308, 20-9-310, 20-9-336, 20-9-366, 20-9-367, 20-9-368, 20-9-369, AND 20-9-515, MCA; REPEALING SECTION 15-1-409, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**Section 1.** Section 7-15-4291, MCA, is amended to read:

**"7-15-4291. Voluntary agreement to remit unused portion of urban renewal district tax increments.** (1) Subject to subsections (2) through (5), a local government with an urban renewal district containing a tax increment provision may enter into an agreement to remit any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288 or pledged to the payment of the principal of premiums, if any, and interest on the bonds referred to in 7-15-4289. The remittance agreement must:

(a) provide for remittance to each taxing jurisdiction for which the mill rates are included in the calculation of the tax increment as provided in 7-15-4286(1) and (2); and

(b) require that the remittance be proportional to the taxing jurisdiction's share of the total mills levied.

(2) Any portion of the increment remitted to a school district pursuant to 7-15-4286(3) or this section:

(a) must be used to reduce property taxes or designated as operating reserve pursuant to 20-9-104 for the fiscal year following the fiscal year in which the remittance was received;

(b) must be deposited in one or more of the following funds that has a mill levy for the current school year, subject to the provisions of Title 20 and this section:

(i) general fund;

(ii) bus depreciation reserve fund;

(iii) debt service fund;

(iv) building reserve fund;

(v) technology acquisition and depreciation fund; and

(c) may not be transferred to any fund.

(3) The remittance will not reduce the levy authority of the school district receiving the remittance in years subsequent to the time period established by subsection (2)(a).

(4) Any portion of the increment remitted to a school district and deposited into the general fund must be designated as operating reserve pursuant to 20-9-104 or used to reduce the BASE budget levy or the over-BASE budget levy in the following fiscal year.

(5) If a school district does not utilize the remitted portion to reduce property taxes or designate the remittance as operating reserve within the time period established by subsection (2)(a), the unused portion must be remitted as follows:

(a) if the area or district is in existence at the time of the remittance, the portion is distributed to the special fund in 7-15-4286(2)(a) and used as provided in 7-15-4282 through 7-15-4294; or

(b) if the area or district is not in existence at the time of the remittance, the portion is distributed pursuant to 7-15-4292(2)(a)."

**Section 2.** Section 15-1-402, MCA, is amended to read:

1           **"15-1-402. Payment of property taxes or fees under protest.** (1) (a) The person upon whom a  
2 property tax or fee is being imposed under this title may, before the property tax or fee becomes delinquent,  
3 pay under written protest that portion of the property tax or fee protested.

4           (b) The protested payment must:  
5           (i) be made to the officer designated and authorized to collect it;  
6           (ii) specify the grounds of protest; and  
7           (iii) not exceed the difference between the payment for the immediately preceding tax year and the  
8 amount owing in the tax year protested unless a different amount results from the specified grounds of protest,  
9 which may include but are not limited to changes in assessment due to reappraisal under 15-7-111.

10          (c) If the protested property tax or fee is on property that is subject to central assessment pursuant  
11 to 15-23-101, the person shall report to the department the grounds of the protest and the amount of the  
12 protested payment for each county in which a protested payment was made.

13          (2) A person appealing a property tax or fee pursuant to Title 15, chapter 2 or 15, including a  
14 person appealing a property tax or fee on property that is annually assessed by the department or subject to  
15 central assessment pursuant to 15-23-101, shall pay the tax or fee under protest when due in order to receive a  
16 refund. If the tax or fee is not paid under protest when due, the appeal or mediation may continue but a tax or  
17 fee may not be refunded as a result of the appeal or mediation.

18          (3) If a protested property tax or fee is payable in installments, a subsequent installment portion  
19 considered unlawful by the Montana tax appeal board need not be paid and an action or suit need not be  
20 commenced to recover the subsequent installment. The determination of the action or suit commenced to  
21 recover the first installment portion paid under protest determines the right of the party paying the subsequent  
22 installment to have it or any part of it refunded to the party or the right of the taxing authority to collect a  
23 subsequent installment not paid by the taxpayer plus interest from the date the subsequent installment was  
24 due.

25          (4) (a) Except as provided in subsection (4)(b), all property taxes and fees paid under protest to a  
26 county or municipality must be deposited by the treasurer of the county or municipality to the credit of a special  
27 fund to be designated as a protest fund and must be retained in the protest fund until the final determination of  
28 any action or suit to recover the taxes and fees unless they are released at the request of the county,

municipality, or other local taxing jurisdiction pursuant to subsection (5). This section does not prohibit the investment of the money of this fund in the state unified investment program or in any manner provided in Title 7, chapter 6. The provision creating the special protest fund does not apply to any payments made under protest directly to the state.

(b) (i) Property taxes that are levied by the state against property that is centrally assessed pursuant to 15-23-101 ~~and any protested taxes on industrial property that is annually assessed by the department in a school district that has elected to waive its right to protested taxes in a specific year pursuant to 15-1-409~~ must be remitted by the county treasurer to the department for deposit as provided in subsections (4)(b)(ii) through ~~(4)(b)(iv)~~ (4)(b)(iii).

(ii) The department shall deposit 50% of that portion of the funds levied for the university system pursuant to 15-10-109 in the state special revenue fund to the credit of the university system, and the other 50% of the funds levied pursuant to 15-10-109 must be deposited in a centrally assessed property tax state special revenue fund.

(iii) Fifty percent of the funds remaining after the deposit of university system funds must be deposited in the state general fund, and the other 50% must be deposited in a centrally assessed property tax state special revenue fund.

~~(iv) Fifty percent of the funds from a school district that has waived its right to protested taxes must be deposited in the state general fund, and the other 50% must be deposited in a school district property tax protest state special revenue fund.~~

(5) (a) Except as provided in ~~subsections (5)(b) and (5)(c)~~ subsection (5)(b), the governing body of a taxing jurisdiction affected by the payment of taxes under protest in the second and subsequent years that a tax protest remains unresolved may demand that the treasurer of the county or municipality pay the requesting taxing jurisdiction all or a portion of the protest payments to which it is entitled, except the amount paid by the taxpayer in the first year of the protest. The decision in a previous year of a taxing jurisdiction to leave protested taxes in the protest fund does not preclude it from demanding in a subsequent year any or all of the payments to which it is entitled, except the first-year protest amount.

(b) The governing body of a taxing jurisdiction affected by the payment of taxes under protest on property that is centrally assessed pursuant to 15-23-101 or on industrial property that is assessed annually by

1 the department in the first and subsequent years that a tax protest remains unresolved may demand that the  
2 treasurer of the county or municipality pay the requesting taxing jurisdiction all or a portion of the protest  
3 payments to which it is entitled. The decision in a previous year of a taxing jurisdiction to leave protested taxes  
4 of centrally assessed property in the protest fund does not preclude it from demanding in a subsequent year  
5 any or all of the payments to which it is entitled.

6 ~~(c) The provisions of subsection (5)(b) do not apply to a school district that has elected to waive its~~  
7 ~~right to its portion of protested taxes on centrally assessed property and on industrial property that is assessed~~  
8 ~~annually by the department for that specific year as provided in 15-1-409.~~

9 (6) (a) If action before the county tax appeal board, Montana tax appeal board, or district court is  
10 not commenced within the time specified or if the action is commenced and finally determined in favor of the  
11 department of revenue, county, municipality, or treasurer of the county or the municipality, the amount of the  
12 protested portions of the property tax or fee must be taken from the protest fund or the centrally assessed  
13 property tax state special revenue fund and deposited to the credit of the fund or funds to which the property tax  
14 belongs, less a pro rata deduction for the costs of administration of the protest fund and related expenses  
15 charged to the local government units.

16 (b) (i) If the action is finally determined adversely to the governmental entity levying the tax, then  
17 the treasurer of the municipality, county, or state entity levying the tax shall, upon receipt of a certified copy of  
18 the final judgment in the action and upon expiration of the time set forth for appeal of the final judgment, refund  
19 to the person in whose favor the judgment is rendered the amount of the protested portions of the property tax  
20 or fee that the person holding the judgment is entitled to recover, together with interest from the date of  
21 payment under protest. ~~The department shall refund from the school district property tax protest state special~~  
22 ~~revenue fund the protested portions of property taxes and interest to a taxpayer in a school district in which the~~  
23 ~~school district has elected to waive its right to its portion of protested taxes for that specific year as provided in~~  
24 ~~15-1-409. If the amount available for the refund in the school district property tax protest state special revenue~~  
25 ~~fund is insufficient to refund the property tax payments, the department shall pay the remainder of the refund~~  
26 ~~from the state general fund.~~

27 (ii) The taxing jurisdiction shall pay interest at the rate of interest earned by the pooled investment  
28 fund provided for in 17-6-203 for the applicable period.

(c) If the amount retained in the protest fund is insufficient to pay all sums due the taxpayer, the treasurer shall apply the available amount first to tax repayment, then to interest owed, and lastly to costs.

(d) (i) (A) If, after a final determination by the Montana tax appeal board or a court or after settlement of an appeal, the final assessed value of a property that is centrally assessed under 15-23-101 or an industrial property that is annually assessed by the department is less than 75% of the department's original assessed value, the governing body may demand that the state refund from the general fund the protested taxes equivalent to the difference between the final determined assessed value and 75% of the original assessed value.

~~(B) For industrial property under subsection (6)(d)(i)(A) in which the school district has elected to waive its right to its portion of protested taxes for that specific year, the department shall refund from the school district property tax protest state special revenue fund the protested portions of property taxes and interest to a taxpayer.~~

~~(C)~~(B) The provisions of subsection (6)(d)(i)(A) do not apply to protested taxes for which the taxpayer protests the classification of the property.

(ii) If the protest action is decided adversely to a taxing jurisdiction and the amount retained in the protest fund is insufficient to refund the tax payments and costs to which the taxpayer is entitled and for which local government units are responsible, the treasurer shall bill and the taxing jurisdiction shall refund to the treasurer that portion of the taxpayer refund, including tax payments and costs, for which the taxing jurisdiction is proratably responsible. The treasurer is not responsible for the amount required to be refunded by the state treasurer as provided in subsection (6)(b).

(iii) For an adverse protest action against the state for centrally assessed property, the department shall refund from the centrally assessed property tax state special revenue fund the amount of protested taxes and from the state general fund the amount of interest as required in subsection (6)(b). The amount refunded for an adverse protested action from the centrally assessed property tax state special revenue fund may not exceed the amount of protested taxes or fees required to be deposited for that action pursuant to subsections (4)(b)(ii) and (4)(b)(iii). If the amount available for the adverse protested action in the centrally assessed property tax state special revenue fund is insufficient to refund the tax payments to which the taxpayer is entitled and for which the state is responsible, the department shall pay the remainder of the refund

proportionally from the state general fund and from money deposited in the state special revenue fund levied pursuant to 15-10-109.

(e) In satisfying the requirements of subsection (6)(d), the taxing jurisdiction, including the state, is allowed not more than 1 year from the beginning of the fiscal year following a final resolution of the protest. The taxpayer is entitled to interest on the unpaid balance at the rate referred to in subsection (6)(b) from the date of payment under protest until the date of final resolution of the protest and at the combined rate of the federal reserve discount rate quoted from the federal reserve bank in New York, New York, on the date of final resolution, plus 4 percentage points, from the date of final resolution of the protest until refund is made.

(7) A taxing jurisdiction, except the state, may satisfy the requirements of this section by use of funds from one or more of the following sources:

(a) imposition of a property tax to be collected by a special tax protest refund levy;  
(b) the general fund or any other funds legally available to the governing body; and  
(c) proceeds from the sale of bonds issued by a county, city, or school district for the purpose of deriving revenue for the repayment of tax protests lost by the taxing jurisdiction. The governing body of a county, city, or school district is authorized to issue the bonds pursuant to procedures established by law. The bonds may be issued without being submitted to an election. Property taxes may be levied to amortize the bonds.

(8) If the department revises an assessment that results in a refund of taxes of \$5 or less, a refund is not owed."

**Section 3.** Section 20-3-209, MCA, is amended to read:

**"20-3-209. Annual report.** The county superintendent of each county shall submit an annual report to the superintendent of public instruction on or before September 15. The report must be completed on the forms supplied by the superintendent of public instruction and must include:

(1) the final budget information for each district of the county, as prescribed by 20-9-134(1);  
(2) the revenue amounts used to establish the levy requirements for;  
(a) the county school funds for supporting school district BASE budgets, as prescribed by [section 23];

(b) the county school fund supporting school district transportation schedules, as prescribed by 20-10-146<sup>1</sup>; and

(c) for the county school funds supporting elementary and high school district retirement obligations, as prescribed by 20-9-501;

(3) the financial activities of each district of the county for the immediately preceding school fiscal year as provided by the trustees' annual report to the county superintendent under the provisions of 20-9-213(6); and

(4) any other information that may be requested by the superintendent of public instruction that is within the superintendent's authority prescribed by this title."

**Section 4.** Section 20-3-324, MCA, is amended to read:

**"20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of a district shall exercise supervision and control of the schools of the district in providing its educational program pursuant to Article X, section 8, of the Montana constitution, and shall:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher's aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the school



# Amendment - 1st Reading-white - Requested by: David Bedey - (H) Education

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Drafter: Pad McCracken,

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districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) establish the ANB, BASE budget levy revenue requirement, over-BASE budget levy, and operating reserve amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal cooperative fund, and other funds as authorized by the state superintendent of public instruction in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) set the length of the school term, school day, and school week in accordance with 20-1-302;

(18) establish and maintain the educational program of the schools of the district in accordance with the provisions of the instructional services, textbooks, K-12 career and vocational/technical education, and

1 special education parts of this title. In undertaking its duties related to the district's educational program, the  
2 board of trustees may:

3 (a) waive any specific course requirement otherwise required for graduation based on individual  
4 student needs and performance levels, age, maturity, interest, and aspirations of the pupil, in consultation with  
5 the pupil's parents or guardians; and

6 (b) provide credit for a course satisfactorily completed in a period of time shorter or longer than  
7 normally required as set forth in 20-9-311(4)(d) or through content proficiency gained through alternative  
8 means. Examples of alternative means by which content proficiency may be achieved include but are not  
9 limited to correspondence, extension, and distance learning courses, adult education, summer school, work  
10 study, work-based learning partnerships, and other experiential learning opportunities, custom-designed  
11 courses, and challenges to current courses. Montana schools shall accept units of credit taken with the  
12 approval of the accredited Montana school in which the student was then enrolled and which appear on the  
13 student's official school transcript.

14 (19) establish and maintain the school food services of the district in accordance with the provisions  
15 of the school food services parts of this title;

16 (20) make reports from time to time as the county superintendent, superintendent of public  
17 instruction, and board of public education may require;

18 (21) retain, when considered advisable, a physician or registered nurse to inspect the sanitary  
19 conditions of the school or the general health conditions of each pupil and, upon request, make available to any  
20 parent or guardian any medical reports or health records maintained by the district pertaining to the child;

21 (22) for each member of the trustees, visit each school of the district not less than once each school  
22 fiscal year to examine its management, conditions, and needs, except that trustees from a first-class school  
23 district may share the responsibility for visiting each school in the district;

24 (23) procure and display outside daily in suitable weather on school days at each school of the  
25 district an American flag representing the United States and manufactured in the United States that measures  
26 not less than 3 feet by 5 feet;

27 (24) provide that an American flag representing the United States and manufactured in the United  
28 States that measures at least 16 inches by 24 inches be prominently displayed in each classroom in each

1 school of the district no later than the beginning of the school year, except in a classroom in which the flag may  
2 get soiled. Districts are encouraged to work with military organizations and civic groups to acquire flags through  
3 donation, and this requirement is waived if the flags are not provided by a military organization or civic group.

4 (25) for grades 7 through 12, provide that legible copies of the United States constitution, the United  
5 States bill of rights, and the Montana constitution printed in the United States or in electronic form are readily  
6 available in every classroom no later than the beginning of the school year. Districts are encouraged to work  
7 with civic groups to acquire the documents through donation, and this requirement is waived if the documents  
8 are not provided by a civic group.

9 (26) adopt and administer a district policy on assessment for placement of any child who enrolls in a  
10 school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

11 (27) upon request and in compliance with confidentiality requirements of state and federal law,  
12 disclose to interested parties school district student assessment data for any test required by the board of  
13 public education;

14 (28) consider and may enter into an interlocal agreement with a postsecondary institution, as  
15 defined in 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available  
16 only at a postsecondary institution;

17 (29) approve or disapprove the conduct of school on a Saturday in accordance with the provisions  
18 of 20-1-303; and

19 (30) perform any other duty and enforce any other requirements for the governance of the schools  
20 pursuant to the constitutional power of supervision and control of schools vested in elected school boards  
21 pursuant to Article X, section 8, of the Montana constitution as prescribed by this title, the policies of the board  
22 of public education, or the rules of the superintendent of public instruction."

23  
24 **Section 5.** Section 20-5-323, MCA, is amended to read:

25 **"20-5-323. Tuition and transportation -- rates.** (1) Except as provided in subsections (2) through  
26 (5), whenever a child enrolls in and attends a school outside of the child's district of residence under the  
27 provisions of 20-5-320 or 20-5-321, the district of residence shall pay the district of attendance a percentage  
28 equal to the lesser of the percentage of either school district's adopted general fund budget funded by BASE

1 and-over-BASE property tax levies in the year of attendance not to exceed ~~35.3%~~ 20% of the tuition per-ANB  
2 amount for the year of attendance as described in 20-5-324.

3 (2) Except for the tuition paid by the district of residence under 20-5-324(2)(b), the tuition for a  
4 child with a disability must be determined under rules adopted by the superintendent of public instruction for the  
5 calculation of tuition for special education pupils. The rules must provide:

6 (a) that tuition amounts must be reduced by the funding generated by the district of attendance  
7 due to the child's attendance; and

8 (b) an option for tuition set at the actual unique costs of providing a free appropriate public  
9 education.

10 (3) The state-paid tuition rate for out-of-district placement pursuant to 20-5-321(1)(d) and (1)(e) in  
11 addition to the tuition paid by the district of residence under 20-5-324(2)(b) for a student without disabilities who  
12 requires a program with costs that exceed the average district costs must be determined as the actual  
13 individual costs of providing that program according to the following:

14 (a) the district of attendance and the district or entity responsible for the tuition payments shall  
15 approve an agreement for the tuition cost;

16 (b) for a Montana resident student, 120% of the tuition per-ANB amount, received in the year for  
17 which the tuition charges are calculated, must be subtracted from the per-student program costs for a Montana  
18 resident student; and

19 (c) the maximum tuition rate paid to a district under this subsection (3) may not exceed \$2,500 per  
20 student.

21 (4) When a child attends a public school of another state or province, the amount of daily tuition  
22 may not be greater than the average annual cost for each student in the child's district of residence. This  
23 calculation for tuition purposes is determined by totaling all of the expenditures for all of the district budgeted  
24 funds for the preceding school fiscal year and dividing that amount by the October 1 enrollment in the preceding  
25 school fiscal year. For the purposes of this subsection, the following do not apply:

26 (a) placement of a child with a disability pursuant to Title 20, chapter 7, part 4;

27 (b) placement made in a state or province with a reciprocal tuition agreement pursuant to 20-5-  
28 314;

(c) an order issued under Title 40, chapter 4, part 2; or

(d) out-of-state placement by a state agency.

(5) When a child is placed by a state agency in an out-of-state residential facility, the state agency making the placement is responsible for the education costs resulting from the placement.

(6) The amount, if any, charged for transportation may not exceed the lesser of the average transportation cost for each student in the child's district of residence or 35 cents a mile. The average expenditures for the district transportation fund for the preceding school fiscal year must be calculated by dividing the transportation fund expenditures by the October 1 enrollment for the preceding fiscal year.

(7) As used in this section, "tuition per-ANB amount" means the applicable per-ANB maximum rate established in 20-9-306, plus the per-ANB amounts of the instructional block grant and related services block grant under 20-9-321."

**Section 6.** Section 20-5-324, MCA, is amended to read:

**"20-5-324. Tuition payment provisions -- state obligations -- district obligations -- financing -- reporting.** (1) In order to be eligible to receive state reimbursement or payment under subsection (2)(a), the trustees of a district shall report to the superintendent of public instruction by June 30 the following information for the concluding school fiscal year:

(a) the name and district of residence of each child who attended a school of the district under a mandatory out-of-district attendance agreement approved under the provisions of 20-5-321(1)(d) or (1)(e);

(b) the number of days of enrollment for each child reported under the provisions of subsection (1)(a);

(c) the annual tuition rate for each child's tuition payment, as determined under the provisions of 20-5-323, and the tuition cost for each child reported under the provisions of subsection (1)(a);

(d) the names, districts of attendance, and amount of tuition paid by the district for resident students attending public schools out of state; and

(e) the names, schools of attendance, and amount of tuition to be paid by the district for resident students attending day-treatment programs under approved individualized education programs at private, nonsectarian schools.

(2) (a) Subject to the limitations of 20-5-323, the superintendent of public instruction shall:

(i) except as provided in subsection (2)(b) of this section, pay the district of attendance the amount of the tuition obligation reported under subsection (1)(c) of this section, prorated for the actual days of enrollment;

(ii) determine the total per-ANB entitlement for which the district of residence would have been eligible if the students reported in subsections (1)(d) and (1)(e) of this section had been enrolled in the resident district in the prior year; and

(iii) reimburse the district of residence for the state portion of the per-ANB entitlement for each student reported in subsections (1)(d) and (1)(e) of this section, not to exceed the district's actual payment of tuition or fees for service for the student in the previous year.

(b) The district of residence for each child reported under the provisions of subsection (1)(a) of this section shall pay the district of attendance the tuition rate under 20-5-323(1) prorated for the actual days of enrollment. The superintendent of public instruction is only responsible for any additional tuition amount pursuant to 20-5-323(2) and (3).

(3) Whenever a child enrolls in and attends a school outside of the child's district of residence under the provisions of 20-5-320 or 20-5-321, by July 15 following the year of attendance, the district of attendance shall notify the district of residence of an obligation under 20-5-323.

(4) (a) (i) When a child attends a school outside the child's district of residence at the resident district's expense under the provisions of 20-5-320 or 20-5-321 or when a child has approval to attend a day-treatment program under an approved individualized education program at a private, nonsectarian school located in or outside of the child's district of residence, the district of residence shall finance any tuition amount required under 20-5-323 from the levy authorized to support the district tuition fund or from the district's general fund or any other legally available fund in the discretion of the trustees and any transportation amount from the levy authorized to support the transportation fund or from the district's general fund or any other legally available fund in the discretion of the trustees.

(ii) By December 31 of the school fiscal year following the year of attendance, the district of residence shall pay at least one-half of any tuition and transportation obligation established under subsection (4)(a)(i). The remaining tuition and transportation obligation must be paid by June 15 of the school fiscal year

1 following the year of attendance.

2 (iii) In addition to use of a tuition levy to pay tuition for out-of-district attendance of a resident pupil,  
3 a school district may also include in its tuition levy an amount necessary to pay for the full costs of providing a  
4 free appropriate public education, as defined in 20-7-401, in the district to any child with a disability who lives in  
5 the district. The amount of the levy imposed for the costs associated with educating each child with a disability  
6 under this subsection (4)(a)(iii) is limited to the actual cost of service under the child's individualized education  
7 program minus:

8 (A) the student's state special education payment;

9 (B) the student's federal special education payment;

10 (C) the student's per-ANB amount;

11 (D) the prorated portion of the district's basic entitlement for each qualifying student; and

12 (E) the prorated portion of the district's general fund payments in 20-9-327 through 20-9-330 for  
13 each qualifying student.

14 (b) When a child has approval to attend a school outside the child's district of residence because  
15 of a parent's or guardian's request under the provisions of 20-5-320 or 20-5-321(1)(c), the parent or guardian of  
16 the child is responsible for transportation unless otherwise agreed to in the out-of-district attendance  
17 agreement.

18 (5) (a) Except as provided in subsection (5)(b), the district of attendance shall anticipate and credit  
19 tuition receipts to the district general fund, ~~to reduce the general fund net levy requirement first to the BASE~~  
20 ~~budget and any remaining to the over-BASE budget pursuant to 20-9-141;~~ and transportation receipts to the  
21 transportation fund. ~~In order to provide local property tax reduction for the tuition amount received under 20-5-~~  
22 ~~323(1), the amount of the reduction in the BASE budget mills levied as a result of anticipated tuition payments~~  
23 ~~must be calculated as a final step in computing the district's general fund net BASE levy requirement pursuant~~  
24 ~~to the procedure set forth in 20-9-141(2) and the district's guaranteed tax base aid must be calculated prior to~~  
25 ~~the reduction in BASE mills.~~

26 (b) Any tuition receipts received for a pupil who is a child with a disability under 20-5-323(2) or for  
27 a student without disabilities who requires a program with costs that exceed the average district costs under 20-  
28 5-323(3) that exceed the tuition amount received for a pupil without disabilities must be deposited in the district

1 miscellaneous programs fund and must be used in the manner provided for in 20-9-507 to support the costs of  
2 the program for which the tuition was received.

3 (6) The reimbursements paid under subsection (2)(a)(iii) must be deposited into the district tuition  
4 fund and must be used by the district to pay obligations for resident students attending public schools out of  
5 state or for resident students attending day-treatment programs under approved individualized education  
6 programs at private, nonsectarian schools at district expense.

7 (7) The provisions of this section do not apply to out-of-state placements made by a state agency  
8 pursuant to 20-7-422.

9 (8) In accordance with 5-11-210, the superintendent of public instruction shall report annually to  
10 the education interim committee on out-of-district attendance under 20-5-320 through 20-5-324 in the prior  
11 school fiscal year. The report must include the following for each school district:

12 (a) the total enrollment of the district;

13 (b) the number of nonresident students served by the district under out-of-district attendance  
14 agreements; and

15 (c) the number of resident students served by other school districts under out-of-district attendance  
16 agreements."

17

18 **Section 7.** Section 20-6-702, MCA, is amended to read:

19 **"20-6-702. Funding for K-12 school districts.** (1) Notwithstanding the provisions of subsections (2)  
20 through (6), a K-12 school district formed under the provisions of 20-6-701 is subject to the provisions of law for  
21 high school districts.

22 (2) The number of elected trustees of the K-12 school district must be based on the classification  
23 of the attached elementary district under the provisions of 20-3-341 and 20-3-351.

24 (3) Calculations for the following must be made separately for the elementary school program and  
25 the high school program of a K-12 school district:

26 (a) the calculation of ANB for purposes of determining the total per-ANB entitlements must be in  
27 accordance with the provisions of 20-9-311;

28 (b) the basic county tax for elementary equalization and revenue for the elementary BASE funding



1 program for the district must be determined in accordance with the provisions of 20-9-331, and the basic county  
2 tax for high school equalization and revenue for the high school BASE funding program for the district must be  
3 determined in accordance with 20-9-333;

4 (c) the ~~guaranteed tax base aid for BASE funding program purposes~~ BASE budget revenue  
5 requirements for a K-12 school district must be calculated separately, ~~using each district's guaranteed tax base~~  
6 ~~ratio, as defined in 20-9-366. The BASE budget levy to be levied~~ budget revenue requirements for the K-12  
7 school district must be prorated based on the ratio of the BASE funding program amounts for elementary  
8 school programs to the BASE funding program amounts for high school programs.

9 (d) the levy authority limits under 20-9-502(3) and the corresponding state school major  
10 maintenance aid under 20-9-525(3) for a K-12 school district must be calculated separately for the K-12 school  
11 district's elementary and high school programs in the same manner as those limits and aid would be calculated  
12 if the K-12 school district consisted of a separate elementary and high school district.

13 (4) The retirement obligation and eligibility for retirement guaranteed tax base aid for a K-12 school  
14 district must be calculated and funded as a high school district retirement obligation under the provisions of 20-  
15 9-501.

16 (5) For the purposes of budgeting for a K-12 school district, the trustees shall adopt a single fund  
17 for any of the budgeted or nonbudgeted funds described in 20-9-201 for the costs of operating all grades and  
18 programs of the district.

19 (6) Tuition for attendance in the K-12 school district must be determined separately for high school  
20 pupils and for elementary pupils under the provisions of 20-5-320 through 20-5-324, except that the actual  
21 expenditures used for calculations in 20-5-323 must be based on an amount prorated between the elementary  
22 and high school programs in the appropriate funds of each district in the year prior to the attachment of the  
23 districts."

24  
25 **Section 8.** Section 20-9-101, MCA, is amended to read:

26 **"20-9-101. Application of budget system for districts and counties.** The school budgeting  
27 procedure and provisions of this title apply to elementary and high school districts, to county funds supporting  
28 school district BASE budgets, transportation, and retirement obligations, and, whenever specified, to

community college districts and to all funds requiring the adoption of a budget. Each district shall separately propose and adopt a budget in accordance with the requirements of this title."

**Section 9.** 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 (6) and (7), 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 (6) may be appropriated to reduce the BASE budget levy or the over-BASE budget levy.

(4) Except as provided in subsection (9), any portion of the general fund end-of-the-year fund balance, including any portion attributable to a tax increment remitted under 7-15-4286(3) or 7-15-4291, 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) up to an amount not exceeding 15% of a school district's maximum general fund budget.

(5) Except as provided in subsection (9), any unreserved fund balance in excess of 15% of a school district's maximum general fund budget must be remitted to the state and allocated as follows:

(a) 70% of the excess amount must be remitted to the state to be deposited in the guarantee account provided for in 20-9-622; and

(b) 30% of the excess amount must be remitted to the school facility and technology account.

(6) The limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than the unused balance of any amount:

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

(b) received in taxes from a prior school fiscal year as a result of a tax audit by the department of

1 revenue or its agents; or

2 (c) received in delinquent taxes from a prior school fiscal year.

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

5 (8) Any amounts remitted to the state under subsection (5) are not considered expenditures to be  
6 applied against budget authority.

7 (9) Any portion of a tax increment remitted under 7-15-4286(3) or 7-15-4291 and deposited in the  
8 district's general fund is not subject to the:

9 (a) 15% fund balance limit provided for in subsection (4); or

10 (b) provisions of subsection (5)."

11

12 **Section 10.** Section 20-9-131, MCA, is amended to read:

13 **"20-9-131. Final budget meeting.** (1) On or before August 20, on the date and at the time and place  
14 stated in the notice published pursuant to 20-9-115, the trustees of each district shall meet to consider all  
15 budget information and any attachments required by law.

16 (2) The trustees may continue the meeting from day to day but shall adopt the final budget for the  
17 district and determine the amounts to be raised by tax levies for the district not later than August 25 and before  
18 the computation of the ~~general fund net levy requirement~~ levy requirements by the county superintendent and  
19 the fixing of the tax levies for each district and the county. Any taxpayer in the district may attend any portion of  
20 the trustees' meeting and be heard on the budget of the district or on any item or amount contained in the  
21 budget.

22 (3) Upon final approval, the trustees shall deliver the adopted budget, including the amounts to be  
23 raised by tax levies, to the county superintendent of schools within 3 days."

24

25 **Section 11.** Section 20-9-141, MCA, is amended to read:

26 **"20-9-141. Computation of general fund ~~net levy requirement~~ revenue and levy requirements**  
27 **by county superintendent -- BASE funding revenue requirement -- over-BASE levy requirement.** (1) The  
28 county superintendent shall compute the revenue and levy requirement ~~requirements~~ for each district's general

fund on the basis of the following procedure: as described in this section.

(2) For a district's BASE funding revenue requirement:

(a) Determine the funding required for the BASE area of 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 BASE aid; and

(ii) if applicable, 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.~~

(b) Determine the money available for the reduction of the ~~property tax on the district for the general fund~~ BASE funding revenue requirement by totaling:

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

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

(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

(B) any other revenue received during the school fiscal year that may be used to finance the general fund, ~~excluding any guaranteed tax base aid;~~

(iii) anticipated oil and natural gas production taxes allocated to the BASE portion of the general fund budget at the discretion of school district trustees pursuant to 20-9-310; and

(iv) pursuant to subsection (4) ~~(6)~~, anticipated revenue from coal gross proceeds under 15-23-703;

(v) ~~if applicable, a coal-fired generating unit closure mitigation block grant as provided in 20-9-638;~~  
and

(vi) ~~any portion of the increment remitted to a school district under 7-15-4286(3) or 7-15-4291 used to reduce the BASE levy budget.~~

(c) ~~Notwithstanding the provisions of subsection (2), subtract~~ Subtract the money available to reduce the ~~property tax required to finance the general fund~~ BASE funding revenue requirement that has been determined in subsection (4)(b) ~~(2)(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 the amount determined in subsection (2)(a). This is the district's BASE funding revenue requirement. If the amount determined in subsection (2)(b) exceeds the amount determined in subsection (2)(a), the district's BASE funding revenue requirement is \$0 and the excess amount from subsection (2)(b) must be applied to reducing the over-BASE levy under subsection (3).

(3) For the district's over-BASE budget levy:

(d)(a) Determine the sum of:

(i) any excess amount remaining after the determination in subsection (1)(e) (2)(c);

(ii) any portion of the increment remitted to a school district under 7-15-4286(3) or 7-15-4291 used to reduce the over-BASE budget levy;

(iii) anticipated oil and natural gas production taxes allocated to the over-BASE portion of the general fund budget at the discretion of school district trustees pursuant to 20-9-310;

(iv) if applicable, a coal-fired generating unit closure mitigation block grant as provided in 20-9-638; and

(iii)(v) after first applying anticipated tuition revenue to the BASE budget under subsection (2)(b), any remaining tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2).

(e)(b) Subtract the amount determined in subsection (1)(d) (3)(a) from any additional funding requirement to be met by an the district's over-BASE budget amount and a district levy as provided in 20-9-303 to determine any additional general fund levy requirements. This is this the district's over-BASE budget levy.

(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:~~

(a) ~~— dividing the amount determined in subsection (1)(c) by the sum of:~~

(i) ~~— 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~~

(ii) ~~— the current total taxable valuation of the district, as certified by the department of revenue~~

under 15-10-202, divided by 1,000; and

(b) — if applicable, subtracting the result of dividing any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2), that are available for reduction of the district's BASE budget levy by the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202 divided by 1,000.

(3)(4) The county superintendent shall:

(a) utilize a district's BASE funding revenue requirement calculated under subsection (2) to determine the countywide levy for BASE funding support as described in [section 23]; and

(b) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported report a district's over-BASE budget levy amount to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values 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.

(5) If a district has an amount of revenue directed to funding the district's general fund under this section that results in an excess of revenue required to fund the district's over-BASE levy as calculated in subsection (3), the trustees of the district shall allocate that excess to another budgeted fund of the district to reduce local property taxes by the amount of the excess.

(4)(6) 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 revenue from coal gross proceeds under 15-23-703."

**Section 12.** Section 20-9-212, MCA, is amended to read:

**"20-9-212. Duties of county treasurer.** The county treasurer of each county:

(1) must receive and shall hold all school money subject to apportionment and keep a separate accounting of its apportionment to the several districts that are entitled to a portion of the money according to the apportionments ordered by the county superintendent or by the superintendent of public instruction. A separate accounting must be maintained for each county fund supported by a countywide levy for a specific,

1 authorized purpose, including:

2 (a) the basic county tax for elementary equalization;

3 (b) the basic county tax for high school equalization;

4 (c) the county tax in support of the transportation schedules;

5 (d) the county tax in support of the elementary and high school district retirement obligations;

6 (e) the county tax for elementary and high school district BASE funding support; and

7 ~~(e)(f)~~ any other county tax for schools, including the community colleges, that may be authorized by  
8 law and levied by the county commissioners.

9 (2) whenever requested, shall notify the county superintendent and the superintendent of public  
10 instruction of the amount of county school money on deposit in each of the funds enumerated in subsection (1)  
11 and the amount of any other school money subject to apportionment and apportion the county and other school  
12 money to the districts in accordance with the apportionment ordered by the county superintendent or the  
13 superintendent of public instruction;

14 (3) shall keep a separate accounting of the receipts, expenditures, and cash balances for each  
15 fund;

16 (4) except as otherwise limited by law, shall pay all warrants properly drawn on the county or  
17 district school money;

18 (5) must receive all revenue collected by and for each district and shall deposit these receipts in  
19 the fund designated by law or by the district if a fund is not designated by law. Interest and penalties on  
20 delinquent school taxes must be credited to the same fund and district for which the original taxes were levied.

21 (6) shall send all revenue received for a joint district, part of which is situated in the county, to the  
22 county treasurer designated as the custodian of the revenue, no later than December 15 of each year and  
23 every 3 months after that date until the end of the school fiscal year;

24 (7) at the direction of the trustees of a district, shall assist the district in the issuance and sale of  
25 tax and revenue anticipation notes as provided in Title 7, chapter 6, part 11;

26 (8) shall register district warrants drawn on a budgeted fund in accordance with 7-6-2604 when  
27 there is insufficient money available in all funds of the district to make payment of the warrant. Redemption of  
28 registered warrants must be made in accordance with 7-6-2605 and 7-6-2606.

(9) when directed by the trustees of a district, shall invest the money of the district within 3 working days of the direction;

(10) each month, shall give to the trustees of each district an itemized report for each fund maintained by the district, showing the paid warrants, registered warrants, interest distribution, amounts and types of revenue received, and the cash balance;

(11) shall remit promptly to the department of revenue receipts for the county tax for a vocational-technical program within a unit of the university system when levied by the board of county commissioners under the provisions of 20-25-439;

(12) shall invest the money received from the basic county taxes for elementary and high school equalization, the county levy in support of the elementary and high school district retirement obligations, the county tax for elementary and high school district BASE funding support, and the county levy in support of the transportation schedules within 3 working days of receipt. The money must be invested until the working day before it is required to be distributed to school districts within the county or remitted to the state. Clerks of a school district shall provide a minimum of 30 hours' notice in advance of cash demands to meet payrolls, claims, and electronic transfers that are in excess of \$50,000, pursuant to 20-3-325. If a clerk of a district fails to provide the required 30-hour notice, the county treasurer shall assess a fee equal to any charges demanded by the state investment pool or other permissible investment manager for improperly noticed withdrawal of funds. Permissible investments are specified in 20-9-213(4). All investment income must be deposited, and credited proportionately, in the funds established to account for the taxes received for the purposes specified in subsections (1)(a) through (1)(d).

(13) shall remit on a monthly basis to the department of revenue, as provided in 15-1-504, all county equalization revenue received under the provisions of 20-9-331 and 20-9-333, including all interest earned, in repayment of the state advance for county equalization prescribed in 20-9-347. Any funds in excess of a state advance must be used as required in 20-9-331(1)(b) and 20-9-333(1)(b)."

**Section 13.** Section 20-9-235, MCA, is amended to read:

**"20-9-235. Authorization for school district investment account.** (1) The trustees of a school district may establish investment accounts and may temporarily transfer into the accounts all or a portion of any



1 of its budgeted or nonbudgeted funds.

2 (2) Money transferred into investment accounts established under this section may be expended  
3 from a subsidiary checking account under the conditions specified in subsection (3)(b).

4 (3) The district may either:

5 (a) establish and use the accounts as nonspending accounts to ensure that district funds remain in  
6 an interest-bearing status until money is reverted to the budgeted or nonbudgeted fund of original deposit as  
7 necessary for use by the county treasurer to pay claims against the district. The district shall ensure that  
8 sufficient money is reverted to the district's budgeted and nonbudgeted funds maintained by the county  
9 treasurer in sufficient time to pay all claims presented against the applicable funds of the district. The county  
10 treasurer shall accept all money that is reverted upon tendered transfer of the district.

11 (b) establish a subsidiary checking account for expenditures from the investment accounts. The  
12 district may write checks on or provide electronic payments from the account if:

13 (i) the payments made from the accounts representing budgeted funds are in compliance with the  
14 budget adopted by the trustees;

15 (ii) the accounts are subject to the audit of district finances completed for compliance with 2-7-503  
16 and 20-9-503; and

17 (iii) the district complies with all accounting system requirements required by the superintendent of  
18 public instruction.

19 (4) (a) A district that chooses to establish a school district investment account described in this  
20 section shall enter into a written agreement with the county treasurer. The agreement must:

21 (i) establish specific procedures and reporting dates to comply with the requirements of  
22 subsection (3);

23 (ii) be binding upon the district and the county treasurer for a negotiated period of time;

24 (iii) be signed by the presiding officer of the board of trustees and the county treasurer; and

25 (iv) coincide with fiscal years beginning on July 1 and ending on June 30.

26 (b) The district and the county treasurer may renew an agreement, including terms and conditions  
27 on which they agree, provided that the terms and conditions comply with the provisions of this section.

28 (5) Unless otherwise provided by law, all other revenue may be sent directly to a participating

1 district's investment account.

2 (6) The trustees shall implement an accounting system for the investment account pursuant to  
3 rules adopted by the superintendent of public instruction. The rules for the accounting system must include but  
4 are not limited to:

5 (a) providing for the internal control of deposits into and transfers between a district's investment  
6 accounts and budgeted and nonbudgeted funds of the district;

7 (b) requiring that the principal and interest earned on the principal is allocated to the budgeted or  
8 nonbudgeted fund from which the deposit was originally made; and

9 (c) ensuring that other proper accounting principles are followed.

10 (7) All interest earned on the district's general fund deposits must be allocated for district property  
11 ~~tax reduction to reduce the district's BASE funding revenue requirement~~ as required by 20-9-141.

12 (8) In making deposits to investment accounts under this section, a district shall comply with the  
13 requirements of Title 17, chapter 6, part 1, with respect to deposits in excess of the amount insured by the  
14 federal deposit insurance corporation or the national credit union administration, as applicable.

15 (9) A district establishing investment accounts under the section shall pay the automated  
16 clearinghouse system charges for all automated clearinghouse transfers made by the office of public instruction  
17 to the district's accounts."

18

19 **Section 14.** Section 20-9-306, MCA, is amended to read:

20 **"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the  
21 following definitions apply:

22 (1) "BASE" means base amount for school equity.

23 (2) "BASE aid" means:

24 (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement  
25 for the general fund budget of a district;

26 (b) ~~guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic~~  
27 ~~entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and~~  
28 ~~40% of the special education allowable cost payment;~~

(e)(b) the total quality educator payment;

(d)(c) the total at-risk student payment;

(e)(d) the total Indian education for all payment;

(f)(e) the total American Indian achievement gap payment;

(g)(f) the total data-for-achievement payment; and

(h)(g) the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, 100% of the total data-for-achievement payment, and 140% of the special education allowable cost payment.

(4) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(4)(5) "BASE budget levy funding revenue requirement" means the district levy amount calculated pursuant to 20-9-141 in support of the BASE budget of a district, which is funded by the countywide levy for BASE funding support under [section 23] and may be supplemented by guaranteed tax base aid if the district county is eligible under the provisions of 20-9-366 through 20-9-369.

(5) ~~"BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.~~

(6) "Basic entitlement" means:

(a) for each high school district:

(i) \$343,483 for fiscal year 2024 and \$353,787 for each succeeding fiscal year for school districts

with an ANB of 800 or fewer; and

(ii) \$343,483 for fiscal year 2024 and \$353,787 for each succeeding fiscal year for school districts with an ANB of more than 800, plus \$17,175 for fiscal year 2024 and \$17,690 for each succeeding fiscal year for each additional 80 ANB over 800;

(b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) \$57,246 for fiscal year 2024 and \$58,963 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of 250 or fewer; and

(ii) \$57,246 for fiscal year 2024 and \$58,963 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of more than 250, plus \$2,863 for fiscal year 2024 and \$2,949 for each succeeding fiscal year for each additional 25 ANB over 250;

(c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) for the district's kindergarten through grade 6 elementary program:

(A) \$57,246 for fiscal year 2024 and \$58,963 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of 250 or fewer; and

(B) \$57,246 for fiscal year 2024 and \$58,963 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of more than 250, plus \$2,863 for fiscal year 2024 and \$2,949 for each succeeding fiscal year for each additional 25 ANB over 250; and

(ii) for the district's approved and accredited junior high school, 7th and 8th grade programs, or middle school:

(A) \$114,493 for fiscal year 2024 and \$117,928 for each succeeding fiscal year for school districts or K-12 district elementary programs with combined grades 7 and 8 with an ANB of 450 or fewer; and

(B) \$114,493 for fiscal year 2024 and \$117,928 for each succeeding fiscal year for school districts or K-12 district elementary programs with combined grades 7 and 8 with an ANB of more than 450, plus \$5,724 for fiscal year 2024 and \$5,896 for each succeeding fiscal year for each additional 45 ANB over 450.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, the total data-for-achievement payment, and the greater of the district's special education allowable cost payment multiplied by:

(a) 175%; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and within the general fund budget limits established in 20-9-308 and calculated as provided in 20-9-141.

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying \$235 for fiscal year 2024 and \$242 for each succeeding fiscal year times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total data-for-achievement payment" means the payment provided in 20-9-325 resulting from multiplying \$22.89 for fiscal year 2024 and \$23.58 for each succeeding fiscal year by the district's ANB calculated in accordance with 20-9-311.

(14) "Total Indian education for all payment" means the payment resulting from multiplying \$23.91 for fiscal year 2024 and \$24.63 for each succeeding fiscal year times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.

(15) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$7,840 for

# Amendment - 1st Reading-white - Requested by: David Bedey - (H) Education

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

HB0156.001.001

fiscal year 2024 and \$8,075 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of \$6,123 for fiscal year 2024 and \$6,307 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of \$6,123 for fiscal year 2024 and \$6,307 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$7,840 for fiscal year 2024 and \$8,075 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(16) "Total quality educator payment" means the payment resulting from multiplying \$3,566 for fiscal year 2024 and \$3,673 for each succeeding fiscal year by the sum of:

(a) the number of full-time equivalent educators as provided in 20-9-327; and

(b) as provided in 20-9-324, for a school district meeting the legislative goal for competitive base pay of teachers, the number of full-time equivalent teachers that were in the first 3 years of the teacher's teaching career in the previous year.

(17) "Total special education allocation" means the state payment distributed pursuant to 20-9-321 that is the greater of the amount resulting from multiplying \$293.74 for fiscal year 2024 and \$302.55 for each succeeding fiscal year by the statewide current year ANB or the amount of the previous year's total special education allocation."

1

2           **Section 15.** Section 20-9-308, MCA, is amended to read:

3           **"20-9-308. BASE budgets and general fund budget limits.** (1) The trustees of a district shall adopt  
4 a general fund budget that is at least equal to the BASE budget established for the district. The trustees of a  
5 district may adopt a general fund budget up to the greater of:

6           (a) the current year maximum general fund budget; or

7           (b) the previous year's general fund budget plus any increase in direct state aid for the basic and  
8 per-ANB entitlements and any increases in state funding of the data-for-achievement payment under 20-9-325  
9 and in the general fund payments in 20-9-327 through 20-9-330.

10           (2) (a) Except as provided in subsection (2)(b), whenever the trustees of a district propose to adopt  
11 a general fund budget that exceeds the BASE budget for the district and propose to increase the over-BASE  
12 budget levy over the highest revenue previously authorized by the electors of the district or imposed by the  
13 district in any of the previous 5 years to support the general fund budget, the trustees shall submit a proposition  
14 to the electors of the district, as provided in 20-9-353.

15           (b) The intent of this section is to increase the flexibility and efficiency of elected school boards  
16 without increasing school district property taxes. In furtherance of this intent and provided that budget  
17 limitations otherwise specified in law are not exceeded, the trustees of a district may increase the district's over-  
18 BASE budget levy without a vote if the board of trustees reduces nonvoted property tax levies authorized by  
19 law to be imposed by action of the trustees of the district by at least as much as the amount by which the over-  
20 BASE budget levy is increased. The ongoing authority for any nonvoted increase in the over-BASE budget levy  
21 imposed under this subsection (2)(b) must be decreased in future years to the extent that the trustees of the  
22 district impose any increase in other nonvoted property tax levies.

23           (3) The BASE budget for the district must be financed by the following sources of revenue:

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

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

27           (c) a district levy for support of a school not approved as an isolated school under the provisions of  
28 20-9-302;

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

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

(f) ~~a BASE budget levy on the taxable value of all property within the district~~ the countywide levy for BASE funding support under [section 23].

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

**Section 16.** Section 20-9-310, MCA, is amended to read:

**"20-9-310. Oil and natural gas production taxes for school districts -- allocation and limits. (1)**

Except as provided in subsection (5), the maximum amount of oil and natural gas production taxes that a school district may retain is 130% of the school district's maximum budget, determined in accordance with 20-9-308.

(2) Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list reporting the maximum general fund budget for each school district.

(3) Except as provided by 15-36-332(9), the department of revenue shall make the full quarterly distribution of oil and natural gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (1) of this section. The department of revenue shall deposit any amount exceeding the limitation in subsection (1) in the guarantee account provided for in 20-9-622.

(4) ~~(a)~~ Subject to the limitation in subsection (1) ~~and the conditions in subsection (4)(b)~~, the trustees shall budget and allocate the oil and natural gas production taxes anticipated by the district in any budgeted fund at the discretion of the trustees. Oil and natural gas production taxes allocated to the district general fund may be applied to the BASE or over-BASE portions of the general fund budget at the discretion of the trustees.

~~(b) — Except as provided in subsection (4)(c), if the trustees apply an amount less than 12.5% of the total oil and natural gas production taxes received by the district in the prior school fiscal year to the district's general fund BASE budget for the upcoming school fiscal year, then:~~

~~(i) — the trustees shall levy the number of mills required to raise an amount equal to the difference~~



1 between ~~12.5%~~ of the oil and natural gas production taxes received by the district in the prior school fiscal year  
2 and the amount of oil and natural gas production taxes the trustees budget in the district's general fund BASE  
3 budget for the upcoming school fiscal year;

4 (ii) ~~the mills levied under subsection (4)(b)(i) are not eligible for the guaranteed tax base subsidy~~  
5 ~~under the provisions of 20-9-366 through 20-9-369; and~~

6 (iii) ~~the general fund BASE budget levy requirement calculated in 20-9-141 must be calculated as~~  
7 ~~though the trustees budgeted 12.5% of the oil and natural gas production taxes received by the district in the~~  
8 ~~prior year and the number of mills calculated in subsection (4)(b)(i) must be added to the number of mills~~  
9 ~~calculated in 20-9-141(2).~~

10 (c) ~~The provisions of subsection (4)(b) do not apply to the following:~~

11 (i) ~~a district that has a maximum general fund budget of less than \$1 million;~~

12 (ii) ~~a district whose oil and natural gas revenue combined with its adopted general fund budget~~  
13 ~~totals 105% or less of its maximum general fund budget;~~

14 (iii) ~~a district that has a maximum general fund budget of \$1 million or more and was eligible for a~~  
15 ~~significant enrollment increase payment pursuant to 20-9-166 in the fiscal year immediately preceding the fiscal~~  
16 ~~year to which the provisions of this subsection (4) would otherwise apply; or~~

17 (iv) ~~a district that has issued outstanding oil and natural gas revenue bonds. Funds received~~  
18 ~~pursuant to this section must first be applied by the district to payment of debt service obligations for oil and~~  
19 ~~natural gas revenue bonds for the next 12-month period.~~

20 (5) (a) The limit on oil and natural gas production taxes that a school district may retain under  
21 subsection (1) must be increased for any school district that was eligible for a significant enrollment increase  
22 payment pursuant to 20-9-166. The increase in the limit on oil and natural gas production taxes that a school  
23 district may retain under subsection (1) applies in the fiscal year immediately following the fiscal year in which  
24 the district was eligible and must be calculated by multiplying \$45,000 times each additional ANB used to  
25 calculate the significant enrollment increase payment pursuant to 20-9-166, including the absorption factor  
26 reduction.

27 (b) For a district in nonoperating status under 20-9-505, the maximum amount of oil and natural  
28 gas production taxes that a school district may retain is 130% of the school district's maximum budget in the

district's most recent operating year, determined in accordance with 20-9-308.

(6) In any year in which the actual oil and natural gas production taxes received by a school district are less than 50% of the total oil and natural gas production taxes received by the district in the prior year, the district may transfer money from any budgeted fund to its general fund in an amount not to exceed the amount of the shortfall."

**Section 17.** Section 20-9-336, MCA, is amended to read:

**"20-9-336. School equalization and property tax reduction account -- uses.** (1) There is a school equalization and property tax reduction account in the state special revenue fund. Contingent on appropriation by the legislature, money in the account is for distribution to school districts as the second source of funding for state equalization aid as provided in 20-9-343. At fiscal yearend, any fund balance in the account exceeding what was appropriated must be transferred to the guarantee account established in 20-9-622.

(2) The account receives revenue as described in 20-9-331, 20-9-333, and 20-9-360.

(3) Beginning in fiscal year 2025, each December the superintendent of public instruction shall forecast the amount of revenue the account will receive in that fiscal year by dividing the sum of the taxable value of all property in the state reported by the department of revenue pursuant to 20-9-369 by 1,000 to determine a statewide value mill and then multiplying that amount by 95 mills, or the number of mills calculated by the department of revenue under 15-10-420(8) for the applicable fiscal year. If the forecasted amount differs from the amount determined through the same calculation in the prior fiscal year by \$2 million or more and is:

(a) less, then the superintendent shall:

(i) decrease the multiplier used to calculate the statewide elementary and high school guaranteed tax base ratios used for funding BASE budgets guaranteed tax base ratio for the countywide levy for BASE funding support under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of guaranteed tax base aid distributed to eligible school districts counties equal to 85% of the decrease in the calculated amount between the 2 years; and

(ii) decrease the multiplier used to calculate the statewide elementary and high school mill value per ANB for school retirement guaranteed tax base purposes under 20-9-366 to the nearest whole number determined by the superintendent to result in a decrease in the amount of retirement guaranteed tax base aid

distributed to eligible school districts equal to 15% of the decrease in the calculated amount between the 2 years;

(b) more, then the superintendent shall increase the multipliers used in the guaranteed tax base formulas under 20-9-366 and in the formula for school major maintenance aid under 20-9-525 to the nearest whole number by an amount calculated by the superintendent to result in an increase in the amount of guaranteed tax base aid and school major maintenance aid distributed to eligible counties and school districts equal to 55% of the increase in the calculated amount between the 2 years in the following order, with any amount exceeding the caps under subsections (3)(b)(i) through (3)(b)(iii) flowing to the next mechanism:

(i) first, the multiplier used in calculating the statewide mill value per elementary and high school ANB for retirement purposes, not to exceed 305%;

(ii) second, the multiplier used in calculating the amount of state school major maintenance aid support for each dollar of local effort, not to exceed 365%; and

(iii) third, the multiplier used in calculating the facility guaranteed mill value per ANB for school facility entitlement guaranteed tax base purposes, not to exceed 300%.

(4) (a) The adjustments to the multipliers under subsection (3) are applicable to state equalization aid distributions in the fiscal year following the adjustment.

(b) Adjustments to the multipliers made under subsection (3) remain in effect in subsequent years unless further changed under 20-9-366 or subsection (3) of this section or as otherwise provided by law."

**Section 18.** Section 20-9-366, MCA, is amended to read:

**"20-9-366. Definitions.** Subject to adjustments pursuant to 20-9-336, as used in 20-9-366 through 20-9-371, the following definitions apply:

~~(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.~~

~~(2)(1)~~ (a) "District-County elementary guaranteed tax base ratio" or "county high school guaranteed

1 tax base ratio" for guaranteed tax base funding for the countywide levy for BASE budget funding support of an  
2 eligible district county means the taxable valuation in the previous year of all property in the district, except for  
3 property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of  
4 a new school district under 20-6-326, divided by the district's sum of the prior year GTBA budget area areas of  
5 the elementary school districts or the high school districts in the county. The GTBA budget areas for joint  
6 districts must be prorated to each county in which a part of the district is located in the same proportion as the  
7 district ANB of the joint district is distributed by pupil residence in each county.

8 (b) "District mill value per ANB", for school facility entitlement purposes, means the taxable  
9 valuation in the previous year of all property in the district, except for property subject to the creation of a new  
10 school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used  
11 to calculate the district's prior year total per-ANB entitlement amount.

12 (2) "County retirement mill value per elementary ANB" or "county retirement mill value per high  
13 school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by  
14 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB  
15 count used to calculate the elementary school districts' and high school districts' prior year total per-ANB  
16 entitlement amounts.

17 (3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base  
18 purposes, means, subject to adjustment under 20-9-336, the sum of the taxable valuation in the previous year  
19 of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state  
20 elementary ANB count or the total state high school ANB count used to calculate the elementary school  
21 districts' and high school districts' prior year total per-ANB entitlement amounts.

22 (4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's  
23 BASE budget after the following payments are subtracted:

24 (a) — direct state aid;

25 (b) — the total data for achievement payment;

26 (c) — the total quality educator payment;

27 (d) — the total at-risk student payment;

28 (e) — the total Indian education for all payment;

(f) ~~the total American Indian achievement gap payment; and~~

(g) ~~the state special education allowable cost payment~~ BASE aid is subtracted.

(5) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for ~~the BASE budget of an eligible district~~ the countywide levy for BASE funding support, means, subject to adjustment under 20-9-336, the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~254% for fiscal year 2024 and by 259% 280%~~ for fiscal year ~~2025-2026~~ and each succeeding fiscal year and divided by the prior year statewide GTBA budget area for the state elementary school districts or the state high school districts. For ~~fiscal year 2024 and subsequent fiscal years~~, the superintendent of public instruction shall increase the multiplier, not to exceed ~~262%~~, in this subsection (5)(a) as follows:

(i) ~~for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least \$1 million more than the revenue transferred in the fiscal year 2 years prior, then:~~

(A) ~~multiply the amount of increased revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product by \$500,000, and round to the nearest whole number; and~~

(B) ~~add the number derived in subsection (5)(a)(i)(A) as a percentage point increase to the multiplier used for the prior fiscal year;~~

(ii) ~~for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than \$1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to the multiplier used for the prior fiscal year;~~

(iii) ~~for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031; and~~

(iv) ~~for all multiplier increases under this subsection (5)(a), the calculations are made in the year prior to the year in which the increase to the multiplier takes effect and impacts distribution of guaranteed tax base aid.~~

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means, subject to adjustment under 20-9-336, the sum of the

1 taxable valuation in the previous year of all property in the state, multiplied by 189% and divided by 1,000, with  
2 the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to  
3 calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement  
4 amounts."

5  
6 **Section 19.** Section 20-9-367, MCA, is amended to read:

7 **"20-9-367. Eligibility to receive guaranteed tax base aid or state debt service assistance for**  
8 **school facilities.** (1) If the ~~district guaranteed tax base ratio of an elementary or high school district county~~  
9 elementary or high school guaranteed tax base ratio is less than the corresponding statewide elementary or  
10 high school guaranteed tax base ratio, the ~~district county~~ may receive guaranteed tax base aid based on the  
11 number of mills levied in the district in support of up to 35.3% of the basic entitlement, up to 35.3% of the total  
12 per-ANB entitlement, and up to 40% of the special education allowable cost payment budgeted within the  
13 general fund budget for the countywide levy for BASE funding support.

14 (2) If the county retirement mill value per elementary ANB or the county retirement mill value per  
15 high school ANB is less than the corresponding statewide mill value per elementary ANB or high school ANB,  
16 the county may receive guaranteed tax base aid based on the number of mills levied in the county in support of  
17 the retirement fund budgets of the respective elementary or high school districts in the county.

18 (3) For the purposes of 20-9-370 and 20-9-371, if the district mill value per elementary ANB or the  
19 district mill value per high school ANB is less than the corresponding statewide mill value per elementary ANB  
20 or statewide mill value per high school ANB, the district may receive debt service assistance in the form of a  
21 state advance or reimbursement for school facilities in support of the debt service fund."

22  
23 **Section 20.** Section 20-9-368, MCA, is amended to read:

24 **"20-9-368. Amount of guaranteed tax base aid.** (1) The amount of guaranteed tax base aid per  
25 ANB that a county may receive in support of the retirement fund budgets of the elementary school districts in  
26 the county is the difference between the county mill value per elementary ANB and the statewide mill value per  
27 elementary ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the  
28 elementary districts in the county.

(2) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the high school districts in the county is the difference between the county mill value per high school ANB and the statewide mill value per high school ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the high school districts in the county.

(3) The amount of guaranteed tax base aid for each mill levied that a district may receive in support of up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted within the general fund budget, and up to 40% of the special education payment county may receive for the elementary or high school countywide levy for BASE funding support is calculated in the following manner:

(a) multiply the sum of the district's countywide elementary or high school prior year GTBA budget area by the corresponding statewide guaranteed tax base ratio;

(b) subtract the prior year taxable valuation of the district-county from the product obtained in subsection (3)(a); and

(c) divide the remainder by 1,000 ~~to determine the equivalent to the dollar amount of guaranteed tax base aid for each mill levied.~~

(4) Guaranteed tax base aid provided to any county ~~or district~~ under this section is earmarked to finance the fund or portion of the fund for which it is provided. If a county ~~or district~~ receives more guaranteed tax base aid than it is entitled to, the excess must be returned to the state as required by 20-9-344."

**Section 21.** Section 20-9-369, MCA, is amended to read:

**"20-9-369. Duties of superintendent of public instruction and department of revenue.** (1) The

superintendent of public instruction shall administer the distribution of guaranteed tax base aid by:

(a) providing each school district and county superintendent, by March 1 of each year, with the preliminary statewide and district-county guaranteed tax base ratios and, by May 1 of each year, with the final statewide and district-county guaranteed tax base ratios, for use in calculating the guaranteed tax base aid available for the ensuing school fiscal year;

(b) providing each school district and county superintendent, by March 1 of each year, with the preliminary statewide, county, and district mill values per ANB and, by May 1 of each year, with the final statewide, county, and district mill values per ANB, for use in calculating the guaranteed tax base aid and state

advance and reimbursement for school facilities available to counties and districts for the ensuing school fiscal year;

(c) requiring each county and district that qualifies and applies for guaranteed tax base aid to report to the county superintendent all budget and accounting information required to administer the guaranteed tax base aid;

(d) keeping a record of the complete data concerning appropriations available for guaranteed tax base aid and the entitlements for the aid of the counties and districts that qualify;

(e) distributing the guaranteed tax base aid entitlement to each qualified county or district from the appropriations for that purpose.

(2) The superintendent shall adopt rules necessary to implement 20-9-366 through 20-9-369.

(3) The department of revenue shall provide the superintendent of public instruction by December 1 of each year a final determination of the taxable value of property within each school district and county of the state reported to the department of revenue based on information delivered to the county clerk and recorder as required in 15-10-305.

~~(4) The superintendent of public instruction shall calculate the district and statewide guaranteed tax base ratios by applying the prior year's direct state aid payment."~~

**Section 22.** Section 20-9-515, MCA, is amended to read:

**"20-9-515. Litigation reserve fund.** (1) The trustees of a school district may establish a litigation reserve fund only when litigation that is pending against the district could result in an award against the district.

(2) At the end of each school fiscal year, the trustees of a district may transfer money from the general fund, within the adopted budget, to establish the fund.

(3) Upon conclusion of litigation, the balance of the money in the fund reverts to the general fund and must be used to reduce the district's ~~general fund BASE budget levy~~ BASE funding revenue requirement computed pursuant to 20-9-141."

NEW SECTION. **Section 23. Countywide levies to support BASE budgets.** (1) Pursuant to 20-9-141, the portion of a district's BASE budget not funded by BASE aid, fund balance reappropriated, nonlevy



revenue, and, if applicable, a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302 is the district's BASE funding revenue requirement and must be funded through an elementary or high school countywide levy as described in this section.

(2) When the final school district general fund budgets of all school districts in the county have been adopted, the county superintendent shall separately total the BASE funding revenue requirements for the elementary and high school districts of the county, including any prorated levy requirements pursuant to subsection (3).

(3) The BASE funding revenue requirement for a joint school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the BASE funding revenue requirement for each county as provided in 20-9-151.

(4) The county superintendent shall apply any fund balance remaining from the prior fiscal year in the county elementary or high school BASE support fund to reduce the amount of revenue to be raised by the corresponding countywide levy.

(5) The county superintendent shall:

(a) calculate the number of mills to be levied on the taxable property in the county to finance the BASE funding levy requirement by ~~dividing subtracting from~~ the amount determined in subsection ~~(3)-(2) any~~ fund balance determined under subsection (4) and then dividing the remaining total by the sum of:

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

(ii) the taxable valuation of the district divided by 1,000; and

(b) report the number of mills required to fund the BASE funding levy requirement to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values.

(6) The county commissioners shall fix and set the countywide BASE funding levies in accordance with 20-9-142.

(7) The county superintendent of each county shall submit a report of the revenue amounts used to establish the BASE funding levy requirements to the superintendent of public instruction on or before

1 September 15. The report must be completed on forms supplied by the superintendent of public instruction.

2

3 NEW SECTION. Section 24. Repealer. The following section of the Montana Code Annotated is

4 repealed:

5 15-1-409. Exclusion of certain property subject to property tax protest -- guaranteed tax base -- tax

6 refund.

7

8 NEW SECTION. Section 25. Transition. The legislature intends this act to be fully operational in

9 fiscal year 2027 with the first countywide levies to support BASE budgets levied in fiscal year 2027. The office

10 of public instruction shall prepare for this implementation and support counties and school districts with this

11 transition, including any necessary rulemaking, in a timely manner.

12

13 NEW SECTION. Section 26. Codification instruction. [Section 23] is intended to be codified as an

14 integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 22].

15

16 NEW SECTION. Section 27. Applicability. [This act] applies to fiscal years beginning on or after

17 July 1, 2026.

18

- END -