

1 SENATE BILL NO. 34

2 INTRODUCED BY D. EMRICH

3 BY REQUEST OF THE EDUCATION INTERIM COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO K-12 SCHOOL
6 DISTRICTS; REMOVING OBSOLETE LANGUAGE REGARDING TUITION CALCULATIONS; CLARIFYING
7 THE BUDGET LIMIT CALCULATIONS FOR A NEW K-12 SCHOOL DISTRICT; AMENDING SECTIONS 20-6-
8 702 AND 20-6-703, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

11
12 **Section 1.** Section 20-6-702, MCA, is amended to read:

13 **"20-6-702. Funding for K-12 school districts.** (1) Notwithstanding the provisions of subsections (2)
14 through (6), a K-12 school district formed under the provisions of 20-6-701 is subject to the provisions of law for
15 high school districts.

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

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

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

22 (b) the basic county tax for elementary equalization and revenue for the elementary BASE funding
23 program for the district must be determined in accordance with the provisions of 20-9-331, and the basic county
24 tax for high school equalization and revenue for the high school BASE funding program for the district must be
25 determined in accordance with 20-9-333;

26 (c) the guaranteed tax base aid for BASE funding program purposes for a K-12 school district must
27 be calculated separately, using each district's guaranteed tax base ratio, as defined in 20-9-366. The BASE
28 budget levy to be levied for the K-12 school district must be prorated based on the ratio of the BASE funding

1 program amounts for elementary school programs to the BASE funding program amounts for high school
2 programs.

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

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

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

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

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19 **Section 2.** Section 20-6-703, MCA, is amended to read:

20 **"20-6-703. Transitions after formation of K-12 school district.** (1) When an attachment order for a
21 K-12 school district becomes effective on July 1 under the provisions of 20-6-701:

22 (a) the county superintendent shall order the trustees to execute all necessary and appropriate
23 deeds, bills of sale, or other instruments for the conveyance of title to all real and personal property of the
24 elementary district to the high school district;

25 (b) the trustees of the elementary district shall entrust the minutes of the board of trustees, the
26 elementary district documents, and other records to the high school district to which it is attached; and

27 (c) the county treasurer shall transfer all end-of-the-year warrants and fund balances of the
28 attached elementary district to the similar funds established for the K-12 school district in the high school

1 district.

2 (2) All taxes levied by and revenue due from a previous school fiscal year to an elementary district
3 attached to a high school district must be payable to the appropriate fund of the high school district.

4 (3) The previous year's general fund budget amounts for the elementary district and the high
5 school district that form a K-12 school district must be ~~combined~~used to determine the budget limitation for the
6 ensuing school fiscal year pursuant to the calculations described in 20-9-308(1)(b)."

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8 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2025.

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