

HOUSE BILL NO. 143

INTRODUCED BY W. STAHL

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION OF TAYLOR GRAZING ACT FUNDS RECEIVED BY THE STATE AND ALLOCATED TO COUNTIES BY REQUIRING THE COUNTY TREASURER TO DEPOSIT IN THE COUNTY GENERAL FUND ALL TAYLOR GRAZING ACT FUNDS RECEIVED FROM THE STATE; AMENDING SECTIONS 17-3-222, 20-9-331, AND 20-9-332, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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12 **Section 1.** Section 17-3-222, MCA, is amended to read:

13 **"17-3-222. Apportionment of money to counties -- deposit.** (1) The state treasurer shall apportion
14 the money received under 17-3-221 to the appropriate counties and then ~~allocate~~ transfer the money due to each
15 county treasurer ~~as follows:~~

16 ~~—— (a) 50% to the county treasurer for deposit in the county general fund; and~~17 ~~—— (b) 50% to the state general fund to be used for the elementary BASE funding programs of the school
18 districts in the county.~~19 (2) The payments from the state to the county treasurers provided for in subsection (1) are statutorily
20 appropriated as provided in 17-7-502.21 (3) The county treasurer shall, upon receipt, deposit all money received from the state under subsection
22 (1) in the county general fund."

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24 **Section 2.** Section 20-9-331, MCA, is amended to read:

25 **"20-9-331. Basic county tax for elementary equalization and other revenue for county equalization**
26 **of elementary BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county shall
27 levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable property within the
28 county, except for property subject to a tax or fee under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562,
29 61-3-570, and 67-3-204, for the purposes of elementary equalization and state BASE funding program support.
30 The revenue collected from this levy must be apportioned to the support of the elementary BASE funding

1 programs of the school districts in the county and to the state general fund in the following manner:

2 (a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum
3 of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE funding
4 programs of all elementary districts of the county.

5 (b) If the basic levy and other revenue prescribed by this section produce more revenue than is required
6 to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the
7 department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon
8 occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June
9 20 of the fiscal year for which the levy has been set.

10 (2) The revenue realized from the county's portion of the levy prescribed by this section and the revenue
11 from the following sources must be used for the equalization of the elementary BASE funding program of the
12 county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer
13 in accordance with 20-9-212(1):

14 ~~(a) the portion of the federal Taylor Grazing Act funds designated for the elementary county equalization~~
15 ~~fund under the provisions of 17-3-222;~~

16 ~~(b)(a)~~ the portion of the federal flood control act funds distributed to a county and designated for
17 expenditure for the benefit of the county common schools under the provisions of 17-3-232;

18 ~~(c)(b)~~ all money paid into the county treasury as a result of fines for violations of law, except money paid
19 to a justice's court, and the use of which is not otherwise specified by law;

20 ~~(d)(c)~~ any money remaining at the end of the immediately preceding school fiscal year in the county
21 treasurer's accounts for the various sources of revenue established or referred to in this section;

22 ~~(e)(d)~~ any federal or state money distributed to the county as payment in lieu of property taxation,
23 including federal forest reserve funds allocated under the provisions of 17-3-213;

24 ~~(f)(e)~~ gross proceeds taxes from coal under 15-23-703; and

25 ~~(g)(f)~~ oil and natural gas production taxes."

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27 **Section 3.** Section 20-9-332, MCA, is amended to read:

28 **"20-9-332. Fines and penalties proceeds for elementary county equalization.** All fines and penalties
29 collected under the provisions of this title, except those collected by a justice's court, must be paid into the
30 elementary county equalization fund as provided by 20-9-331~~(2)(c)~~(2)(b). In order to implement this section and

1 any other provision of law requiring the deposit of fines in the elementary county equalization fund, a report must
2 be made to the county superintendent of the county, at the close of each term, by the clerk of each district court,
3 reporting all fines imposed and collected during the term and indicating the type of violation and the date of
4 collection."

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6 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2011.

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