

HOUSE BILL NO. 217  
INTRODUCED BY SPRING

IN THE HOUSE

JANUARY 16, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON EDUCATION & CULTURAL RESOURCES.

JANUARY 17, 1991                   FIRST READING.

FEBRUARY 9, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 11, 1991                  PRINTING REPORT.

FEBRUARY 12, 1991                  SECOND READING, DO PASS.

FEBRUARY 13, 1991                  ENGROSSING REPORT.

FEBRUARY 14, 1991                  THIRD READING, PASSED.  
AYES, 95; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1991                  INTRODUCED AND REFERRED TO COMMITTEE  
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 7, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 11, 1991                    SECOND READING, CONCURRED IN.

MARCH 12, 1991                    THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 13, 1991                    RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT THE  
5 TRUSTEES OF AN ELEMENTARY SCHOOL DISTRICT LOSING TERRITORY  
6 AND CERTAIN OWNERS OF TERRITORY TO BE TRANSFERRED BE GIVEN  
7 WRITTEN NOTIFICATION AND AN OPPORTUNITY TO COMMENT BEFORE  
8 TRANSFER OF THE TERRITORY TO ANOTHER SCHOOL DISTRICT; AND  
9 AMENDING SECTION 20-6-213, MCA."

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

12 **Section 1.** Section 20-6-213, MCA, is amended to read:

13 "20-6-213. Transfer of territory from one elementary  
14 district to another. (1) A majority of the electors of any  
15 an elementary district who are qualified to vote under the  
16 provisions of 20-20-301 and who reside in territory which  
17 that is a part of an elementary district may petition the  
18 county superintendent to transfer such the territory to  
19 another elementary district when if:

20 (a) such the territory is contiguous to the district to  
21 which it is to be attached;

22 (b) such the territory is not located within 3 miles,  
23 over the shortest practical route, of an operating school of  
24 the district from which it is to be detached;

25 (c) the transfer of such the territory will not reduce

1 the taxable value of the district to less than \$100,000  
2 unless the remaining territory of the district will contain  
3 not less than 50,000 acres of nontaxable Indian land; and

4 (d) the board of trustees of the school district that  
5 would receive the territory has approved the transfer;

6 (e) the board of trustees of the school district that  
7 would lose the territory has received written notification  
8 of the proposal to transfer and has been provided an  
9 opportunity to comment; and

10 (f) the owners of the territory to be transferred, if  
11 different than the petitioners requesting the transfer, have  
12 received notification of the proposal to transfer and have  
13 been provided an opportunity to comment.

14 (2) The petition shall must be addressed to the county  
15 superintendent and shall must:

16 (a) describe the territory that is requested to be  
17 transferred and to what district it is to be transferred;

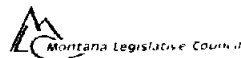
18 (b) state the reasons why such the transfer is  
19 requested; and

20 (c) state the number of elementary school-age children  
21 residing in such the territory.

22 (3) On receipt of a valid petition for a territory  
23 transfer, the county superintendent shall:

24 (a) file such the petition;

25 (b) set a hearing place, date, and time for



1 consideration of the petition that is not more than 40 days  
2 after receipt of the petition; and

3 (c) give notice of the place, date, and time of the  
4 hearing. The notices ~~shall~~ must be posted in the districts  
5 affected by the request in the manner prescribed in this  
6 title for school elections, with at least one such notice  
7 posted in the territory to be transferred.

8 (4) The county superintendent shall conduct the hearing  
9 as scheduled, and any resident or taxpayer of the affected  
10 districts ~~shall~~ must, upon request, be heard. If the county  
11 superintendent considers it advisable and in the best  
12 interests of the residents of such the territory, he shall  
13 grant the petitioned request and order the change of  
14 district boundaries to coincide with the boundary  
15 description in the petition. Otherwise, he shall, by order,  
16 deny the request. Either of the orders ~~shall-be~~ is final 30  
17 days after its date unless it is appealed to the board of  
18 county commissioners by a resident or taxpayer of either  
19 district affected by the territory transfer. The decision of  
20 the board of county commissioners, after a hearing on such  
21 the matter and consideration of the material presented at  
22 the county superintendent's hearing, ~~shall-be~~ is final 30  
23 days after its date unless a petition to submit the question  
24 to a vote of the people in the district from which the land  
25 is to be transferred, ~~which-has-been~~ signed by a majority of

1 the electors of the district who reside in the territory to  
2 be transferred and who are qualified to vote in elections  
3 for that district under 20-20-301, is presented prior to  
4 that time. When a petition is submitted under this  
5 subsection, the question of whether the land ~~shall~~ will be  
6 transferred to another district ~~shall~~ must be put before the  
7 voters at the next regular school election in the affected  
8 district.

9 (5) Whenever a petition to transfer territory from one  
10 elementary district to another elementary district ~~would~~  
11 ~~create~~ creates a joint elementary district or ~~affect~~ affects  
12 the boundary of an existing joint elementary district, the  
13 petition ~~shall~~ must be presented to the county  
14 superintendent of the county where the territory is located.  
15 ~~Such~~ The county superintendent shall notify any other county  
16 superintendents of counties with districts affected by such  
17 the petition, and the duties prescribed in this section for  
18 the county superintendent and the board of county  
19 commissioners ~~shall~~ must be performed jointly by such the  
20 county officials."

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT THE
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7 WRITTEN NOTIFICATION AND--AN-OPPORTUNITY-TO-COMMENT-BEFORE
8 TRANSFER-OF-THE-TERRITORY-TO-ANOTHER--SCHOOL--DISTRICT; AND
9 AMENDING SECTION 20-6-213, MCA."

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

12 Section 1. Section 20-6-213, MCA, is amended to read:

13 "20-6-213. Transfer of territory from one elementary
14 district to another. (1) A majority of the electors of any
15 an elementary district who are qualified to vote under the
16 provisions of 20-20-301 and who reside in territory which
17 that is a part of an elementary district may petition the
18 county superintendent to transfer such the territory to
19 another elementary district when if:

20 (a) such the territory is contiguous to the district to
21 which it is to be attached;

22 (b) such the territory is not located within 3 miles,
23 over the shortest practical route, of an operating school of
24 the district from which it is to be detached;

25 (c) the transfer of such the territory will not reduce

1 the taxable value of the district to less than \$100,000
2 unless the remaining territory of the district will contain
3 not less than 50,000 acres of nontaxable Indian land; and
4 AND

5 (d) the board of trustees of the school district that
6 would receive the territory has approved the transfer;
7 ~~(e) the board of trustees of the school district that
8 would lose the territory has received written notification
9 of the proposal to transfer and has been provided an
10 opportunity to comment; and~~

11 ~~(f) the owners of the territory to be transferred, if
12 different than the petitioners requesting the transfer, have
13 received notification of the proposal to transfer and have
14 been provided an opportunity to comment.~~

15 (2) The petition shall must be addressed to the county
16 superintendent and shall must:

17 (a) describe the territory that is requested to be
18 transferred and to what district it is to be transferred;

19 (b) state the reasons why such the transfer is
20 requested; and

21 (c) state the number of elementary school-age children
22 residing in such the territory.

23 (3) On receipt of a valid petition for a territory
24 transfer, the county superintendent shall:

25 (a) file such the petition;

SECOND READING



1 (b) set a hearing place, date, and time for  
 2 consideration of the petition that is not more than 40 days  
 3 after receipt of the petition; and

4 (c) give notice of the place, date, and time of the  
 5 hearing. The notices ~~shall~~ must be posted in the districts  
 6 affected by the request in the manner prescribed in this  
 7 title for school elections, with at least one ~~such~~ notice  
 8 posted in the territory to be transferred. NOTICE MUST ALSO  
 9 BE DELIVERED TO THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT  
 10 FROM WHICH THE TERRITORY IS TO BE TRANSFERRED.

11 (4) The county superintendent shall conduct the hearing  
 12 as scheduled, and any resident or taxpayer of the affected  
 13 districts ~~shall~~ must, upon request, be heard. If the county  
 14 superintendent considers it advisable and in the best  
 15 interests of the residents of ~~such~~ the territory, he shall  
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THIRD READING

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REFERENCE BILL



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