

1 *Senate* BILL NO. *384*
 2 INTRODUCED BY *Boylan by Request*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 75-6516, 75-6517 AND 75-6525, R.C.M. 1947, TO RESTRICT THE
 6 TRANSFER OF LAND FROM ONE ELEMENTARY OR HIGH SCHOOL DISTRICT
 7 TO ANOTHER IN CERTAIN SITUATIONS UNLESS THE TAXABLE VALUE OF
 8 THE REMAINING PROPERTY IN THE SCHOOL DISTRICT FROM WHICH THE
 9 LAND IS TRANSFERRED IS NOT REDUCED BELOW ONE MILLION
 10 DOLLARS; AND PROVIDING AN EFFECTIVE DATE."

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

13 Section 1. Section 75-6516, R.C.M. 1947, is amended to
 14 read as follows:

15 "75-6516. Transfer of territory from one elementary
 16 district to another. A majority of the electors of any
 17 elementary district, who are qualified to vote under the
 18 provisions of section 75-6410 and who reside in territory
 19 which is a part of an elementary district, may petition the
 20 county superintendent to transfer such territory to another
 21 elementary district when:

22 (1) such territory is contiguous to the district to
 23 which it is to be attached;

24 (2) such territory is not located within three miles,
 25 over the shortest practical route, of an operating school of

1 the district from which it is to be detached; and
 2 (3) the transfer of such territory will not reduce the
 3 taxable value of the district to less than ~~seventy-five~~
 4 ~~thousand--dollars-(975,000)~~ one million dollars (\$1,000,000)
 5 unless the remaining territory of the district will contain
 6 not less than fifty thousand (50,000) acres of nontaxable
 7 Indian land.

8 The petition shall be addressed to the county
 9 superintendent and shall describe the territory that is
 10 requested to be transferred and to what district it is to be
 11 transferred, state the reasons why such transfer is
 12 requested and state the number of elementary school-age
 13 children residing in such territory.

14 On receipt of a valid petition for a territory
 15 transfer, the county superintendent shall file such
 16 petition, set a hearing place, date, and time for
 17 consideration of the petition that is not more than forty
 18 (40) days after receipt of the petition and give notice of
 19 the place, date, and time of the hearing. The notices shall
 20 be posted in the districts affected by the request in the
 21 manner prescribed in this title for school elections, with
 22 at least one such notice posted in the territory to be
 23 transferred.

24 The county superintendent shall conduct the hearing as
 25 scheduled, and any resident or taxpayer of the affected

INTRODUCED BILL

-2- SB 384

1 districts shall be heard. If the county superintendent shall
 2 deem it advisable and in the best interests of the residents
 3 of such territory, he shall grant the petitioned request and
 4 order the change of district boundaries to coincide with the
 5 boundary description in the petition. Otherwise, he shall,
 6 by order, deny the request. Either of the orders shall be
 7 final thirty (30) days after its date unless it is appealed
 8 to the board of county commissioners by a resident or
 9 taxpayer of either district affected by the territory
 10 transfer. The decision of the board of county
 11 commissioners, after a hearing on such matter and
 12 consideration of the material presented at the county
 13 superintendent's hearing, shall be final.

14 Whenever a petition to transfer territory from one
 15 elementary district to another elementary district would
 16 create a joint elementary district or affect the boundary of
 17 an existing joint elementary district, the petition shall be
 18 presented to the county superintendent of the county where
 19 the territory is located. Such county superintendent shall
 20 notify any other county superintendents of counties with
 21 districts affected by such petition and the duties
 22 prescribed in this section for the county superintendent and
 23 the board of county commissioners shall be performed jointly
 24 by such county officials."

25 Section 2. Section 75-6517, R.C.M. 1947, is amended to

1 read as follows:

2 "75-6517. Limitations for creation of new elementary
 3 district. A new elementary district may be created out of
 4 the territory of an existing elementary district or
 5 districts when:

6 (1) the taxable value of the taxable property of the
 7 territory proposed to be included in such new district is
 8 seventy-five thousand dollars (\$75,000) or more, except that
 9 when fifty thousand (50,000) acres or more of such new
 10 district are nontaxable Indian land, this limitation shall
 11 not be applicable;

12 (2) the taxable value of the taxable property of each
 13 existing district from which territory would be detached
 14 will be ~~seventy-five-thousand-dollars-(\$75,000)~~ one million
 15 dollars (\$1,000,000) or more after the territory is
 16 detached; and

17 (3) the ANB in any of the existing districts is not
 18 reduced to less than fifteen (15)."

19 Section 3. Section 75-6525, R.C.M. 1947, is amended to
 20 read as follows:

21 "75-6525. Limitations for organization of joint high
 22 school district. The boundaries of any high school district
 23 which encompass a county's portion of a joint elementary
 24 district where an elementary school is operated may be
 25 changed to establish a joint high school district. Such high

1 school district boundary change shall be a transfer of all
2 the territory located in another county's portion of the
3 same joint elementary district. No such boundary change
4 shall be made when:

5 (1) the territory transfer would reduce the taxable
6 value of the taxable property of another high school
7 district to less than ~~seven-hundred-fifty-thousand-dollars~~
8 ~~{6750,000}~~ one million dollars (\$1,000,000); or

9 (2) a portion of the territory to be transferred is
10 less than three (3) miles from an operating, accredited high
11 school located in another high school district."

12 Section 4. This act is effective on passage and
13 approval.

-End-

SB384

Approved by Committee
on Education

SENATE BILL NO. 384

INTRODUCED BY BOYLAN (BY REQUEST)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 75-6516, 75-6517 AND 75-6525, R.C.M. 1947, TO RESTRICT THE TRANSFER OF LAND FROM ONE ELEMENTARY OR HIGH SCHOOL DISTRICT TO ANOTHER IN CERTAIN SITUATIONS UNLESS THE TAXABLE VALUE OF THE REMAINING PROPERTY IN THE SCHOOL DISTRICT FROM WHICH THE LAND IS TRANSFERRED IS NOT REDUCED BELOW ONE MILLION DOLLARS; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 75-6516, R.C.M. 1947, is amended to read as follows:

"75-6516. Transfer of territory from one elementary district to another. A majority of the electors of any elementary district, who are qualified to vote under the provisions of section 75-6410 and who reside in territory which is a part of an elementary district, may petition the county superintendent to transfer such territory to another elementary district when:

(1) such territory is contiguous to the district to which it is to be attached;

(2) such territory is not located within three miles, over the shortest practical route, of an operating school of

the district from which it is to be detached; and

(3) the transfer of such territory will not reduce the taxable value of the district to less than ~~seventy-five thousand--dollars--(\$75,000)~~ one-million-dollars--(\$1,000,000) ONE HUNDRED THOUSAND DOLLARS (\$100,000) unless the remaining territory of the district will contain not less than fifty thousand (50,000) acres of nontaxable Indian land.

The petition shall be addressed to the county superintendent and shall describe the territory that is requested to be transferred and to what district it is to be transferred, state the reasons why such transfer is requested and state the number of elementary school-age children residing in such territory.

On receipt of a valid petition for a territory transfer, the county superintendent shall file such petition, set a hearing place, date, and time for consideration of the petition that is not more than forty (40) days after receipt of the petition and give notice of the place, date, and time of the hearing. The notices shall be posted in the districts affected by the request in the manner prescribed in this title for school elections, with at least one such notice posted in the territory to be transferred.

The county superintendent shall conduct the hearing as scheduled, and any resident or taxpayer of the affected

1 districts shall be heard. If the county superintendent shall
 2 deem it advisable and in the best interests of the residents
 3 of such territory, he shall grant the petitioned request and
 4 order the change of district boundaries to coincide with the
 5 boundary description in the petition. Otherwise, he shall,
 6 by order, deny the request. Either of the orders shall be
 7 final thirty (30) days after its date unless it is appealed
 8 to the board of county commissioners by a resident or
 9 taxpayer of either district affected by the territory
 10 transfer. The decision of the board of county
 11 commissioners, after a hearing on such matter and
 12 consideration of the material presented at the county
 13 superintendent's hearing, shall be final.

14 Whenever a petition to transfer territory from one
 15 elementary district to another elementary district would
 16 create a joint elementary district or affect the boundary of
 17 an existing joint elementary district, the petition shall be
 18 presented to the county superintendent of the county where
 19 the territory is located. Such county superintendent shall
 20 notify any other county superintendents of counties with
 21 districts affected by such petition and the duties
 22 prescribed in this section for the county superintendent and
 23 the board of county commissioners shall be performed jointly
 24 by such county officials."

25 Section 2. Section 75-6517, R.C.M. 1947, is amended to

1 read as follows:

2 "75-6517. Limitations for creation of new elementary
 3 district. A new elementary district may be created out of
 4 the territory of an existing elementary district or
 5 districts when:

6 (1) the taxable value of the taxable property of the
 7 territory proposed to be included in such new district is
 8 seventy-five thousand dollars (\$75,000) or more, except that
 9 when fifty thousand (50,000) acres or more of such new
 10 district are nontaxable Indian land, this limitation shall
 11 not be applicable;

12 (2) the taxable value of the taxable property of each
 13 existing district from which territory would be detached
 14 will be ~~seventy-five-thousand-dollars-(\$75,000)~~ one-million
 15 dollars-(\$1,000,000) ONE HUNDRED THOUSAND DOLLARS (\$100,000)
 16 or more after the territory is detached; and

17 (3) the ANB in any of the existing districts is not
 18 reduced to less than fifteen (15)."

19 Section 3. Section 75-6525, R.C.M. 1947, is amended to
 20 read as follows:

21 "75-6525. Limitations for organization of joint high
 22 school district. The boundaries of any high school district
 23 which encompass a county's portion of a joint elementary
 24 district where an elementary school is operated may be
 25 changed to establish a joint high school district. Such high

1 school district boundary change shall be a transfer of all
2 the territory located in another county's portion of the
3 same joint elementary district. No such boundary change
4 shall be made when:

5 (1) the territory transfer would reduce the taxable
6 value of the taxable property of another high school
7 district to less than ~~seven-hundred-fifty-thousand-dollars~~
8 ~~(\$750,000)~~ one million dollars (\$1,000,000); or

9 (2) a portion of the territory to be transferred is
10 less than three (3) miles from an operating, accredited high
11 school located in another high school district."

12 Section 4. This act is effective on passage and
13 approval.

-End-

1 SENATE BILL NO. 384

2 INTRODUCED BY BOYLAN (BY REQUEST)

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5 75-6516, 75-6517 AND 75-6525, R.C.M. 1947, TO RESTRICT THE
6 TRANSFER OF LAND FROM ONE ELEMENTARY OR HIGH SCHOOL DISTRICT
7 TO ANOTHER IN CERTAIN SITUATIONS UNLESS THE TAXABLE VALUE OF
8 THE REMAINING PROPERTY IN THE SCHOOL DISTRICT FROM WHICH THE
9 LAND IS TRANSFERRED IS NOT REDUCED BELOW ONE MILLION HUNDRED
10 THOUSAND DOLLARS,--AND PROVIDING AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 Section 1. Section 75-6516, R.C.M. 1947, is amended to
14 read as follows:15 "75-6516. Transfer of territory from one elementary
16 district to another. A majority of the electors of any
17 elementary district, who are qualified to vote under the
18 provisions of section 75-6410 and who reside in territory
19 which is a part of an elementary district, may petition the
20 county superintendent to transfer such territory to another
21 elementary district when:22 (1) such territory is contiguous to the district to
23 which it is to be attached;24 (2) such territory is not located within three miles,
25 over the shortest practical route, of an operating school of

1 the district from which it is to be detached; and

2 (3) the transfer of such territory will not reduce the
3 taxable value of the district to less than ~~seventy-five~~
4 ~~thousand dollars (\$75,000)~~ one million dollars--(\$1,000,000)
5 ONE HUNDRED THOUSAND DOLLARS (\$100,000) unless the remaining
6 territory of the district will contain not less than fifty
7 thousand (50,000) acres of nontaxable Indian land.

8 The petition shall be addressed to the county
9 superintendent and shall describe the territory that is
10 requested to be transferred and to what district it is to be
11 transferred, state the reasons why such transfer is
12 requested and state the number of elementary school-age
13 children residing in such territory.

14 On receipt of a valid petition for a territory
15 transfer, the county superintendent shall file such
16 petition, set a hearing place, date, and time for
17 consideration of the petition that is not more than forty
18 (40) days after receipt of the petition and give notice of
19 the place, date, and time of the hearing. The notices shall
20 be posted in the districts affected by the request in the
21 manner prescribed in this title for school elections, with
22 at least one such notice posted in the territory to be
23 transferred.

24 The county superintendent shall conduct the hearing as
25 scheduled, and any resident or taxpayer of the affected

1 districts shall be heard. If the county superintendent shall
 2 deem it advisable and in the best interests of the residents
 3 of such territory, he shall grant the petitioned request and
 4 order the change of district boundaries to coincide with the
 5 boundary description in the petition. Otherwise, he shall,
 6 by order, deny the request. Either of the orders shall be
 7 final thirty (30) days after its date unless it is appealed
 8 to the board of county commissioners by a resident or
 9 taxpayer of either district affected by the territory
 10 transfer. The decision of the board of county
 11 commissioners, after a hearing on such matter and
 12 consideration of the material presented at the county
 13 superintendent's hearing, shall be final.

14 Whenever a petition to transfer territory from one
 15 elementary district to another elementary district would
 16 create a joint elementary district or affect the boundary of
 17 an existing joint elementary district, the petition shall be
 18 presented to the county superintendent of the county where
 19 the territory is located. Such county superintendent shall
 20 notify any other county superintendents of counties with
 21 districts affected by such petition and the duties
 22 prescribed in this section for the county superintendent and
 23 the board of county commissioners shall be performed jointly
 24 by such county officials."

25 Section 2. Section 75-6517, R.C.M. 1947, is amended to

1 read as follows:

2 "75-6517. Limitations for creation of new elementary
 3 district. A new elementary district may be created out of
 4 the territory of an existing elementary district or
 5 districts when:

6 (1) the taxable value of the taxable property of the
 7 territory proposed to be included in such new district is
 8 seventy-five thousand dollars (\$75,000) or more, except that
 9 when fifty thousand (50,000) acres or more of such new
 10 district are nontaxable Indian land, this limitation shall
 11 not be applicable;

12 (2) the taxable value of the taxable property of each
 13 existing district from which territory would be detached
 14 will be ~~seventy-five thousand dollars (\$75,000)~~ one million
 15 dollars (\$1,000,000) ONE HUNDRED THOUSAND DOLLARS (\$100,000)
 16 or more after the territory is detached; and

17 (3) the ANB in any of the existing districts is not
 18 reduced to less than fifteen (15)."

19 Section 3. Section 75-6525, R.C.M. 1947, is amended to
 20 read as follows:

21 "75-6525. Limitations for organization of joint high
 22 school district. The boundaries of any high school district
 23 which encompass a county's portion of a joint elementary
 24 district where an elementary school is operated may be
 25 changed to establish a joint high school district. Such high

1 school district boundary change shall be a transfer of all
2 the territory located in another county's portion of the
3 same joint elementary district. No such boundary change
4 shall be made when:

5 (1) the territory transfer would reduce the taxable
6 value of the taxable property of another high school
7 district to less than ~~seven-hundred-fifty-thousand-dollars~~
8 ~~(\$750,000)~~ one million dollars (\$1,000,000); or

9 (2) a portion of the territory to be transferred is
10 less than three (3) miles from an operating, accredited high
11 school located in another high school district."

12 ~~Section 4. This act is effective on passage and~~
13 ~~approval.~~

-End-

March 12, 1975

HOUSE OF REPRESENTATIVES

Committee of the Whole Amendments to SENATE BILL NO. 384

third reading copy, as follows:

1. Amend title, page 1, line 10.

Following: "DOLLARS"

Insert: "AND UNLESS APPROVED BY A VOTE OF THE PEOPLE
IN THE SCHOOL DISTRICT FROM WHICH THE LAND IS TRANSFERRED
WHEN DISPUTED"

2. Amend page 3, section 1, subsection (3), line 13.

Following: "final"

Insert: "thirty (30) days after its date unless a petition
to submit the question to a vote of the people in the
district from which the land is to be transferred, which
has been signed by a majority of the electors of the district
who reside in the territory to be transferred and who are
qualified to vote in elections for that district under
section 75-6410, R.C.M. 1947, is presented prior to that
time. When a petition is submitted under this subsection,
the question of whether the land shall be transferred to
another district shall be put before the voters at the
next regular school election in the affected district."

AS SO AMENDED

DO PASS

1 SENATE BILL NO. 384
 2 INTRODUCED BY BOYLAN (BY REQUEST)
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 75-6516, 75-6517 AND 75-6525, R.C.M. 1947, TO RESTRICT THE
 6 TRANSFER OF LAND FROM ONE ELEMENTARY OR HIGH SCHOOL DISTRICT
 7 TO ANOTHER IN CERTAIN SITUATIONS UNLESS THE TAXABLE VALUE OF
 8 THE REMAINING PROPERTY IN THE SCHOOL DISTRICT FROM WHICH THE
 9 LAND IS TRANSFERRED IS NOT REDUCED BELOW ONE MILLION HUNDRED
 10 THOUSAND DOLLARS, -AND-PROVIDING-AN-EFFECTIVE-DATE AND UNLESS
 11 APPROVED BY A VOTE OF THE PEOPLE IN THE SCHOOL DISTRICT FROM
 12 WHICH THE LAND IS TRANSFERRED WHEN DISPUTED."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Section 1. Section 75-6516, R.C.M. 1947, is amended to
 16 read as follows:

17 "75-6516. Transfer of territory from one elementary
 18 district to another. A majority of the electors of any
 19 elementary district, who are qualified to vote under the
 20 provisions of section 75-6410 and who reside in territory
 21 which is a part of an elementary district, may petition the
 22 county superintendent to transfer such territory to another
 23 elementary district when:

24 (1) such territory is contiguous to the district to
 25 which it is to be attached;

1 (2) such territory is not located within three miles,
 2 over the shortest practical route, of an operating school of
 3 the district from which it is to be detached; and

4 (3) the transfer of such territory will not reduce the
 5 taxable value of the district to less than ~~seventy-five~~
 6 ~~thousand-dollars-(75,000)~~ one-million-dollars--(1,000,000)
 7 ONE HUNDRED THOUSAND DOLLARS (\$100,000) unless the remaining
 8 territory of the district will contain not less than fifty
 9 thousand (50,000) acres of nontaxable Indian land.

10 The petition shall be addressed to the county
 11 superintendent and shall describe the territory that is
 12 requested to be transferred and to what district it is to be
 13 transferred, state the reasons why such transfer is
 14 requested and state the number of elementary school-age
 15 children residing in such territory.

16 On receipt of a valid petition for a territory
 17 transfer, the county superintendent shall file such
 18 petition, set a hearing place, date, and time for
 19 consideration of the petition that is not more than forty
 20 (40) days after receipt of the petition and give notice of
 21 the place, date, and time of the hearing. The notices shall
 22 be posted in the districts affected by the request in the
 23 manner prescribed in this title for school elections, with
 24 at least one such notice posted in the territory to be
 25 transferred.

1 The county superintendent shall conduct the hearing as
 2 scheduled, and any resident or taxpayer of the affected
 3 districts shall be heard. If the county superintendent shall
 4 deem it advisable and in the best interests of the residents
 5 of such territory, he shall grant the petitioned request and
 6 order the change of district boundaries to coincide with the
 7 boundary description in the petition. Otherwise, he shall,
 8 by order, deny the request. Either of the orders shall be
 9 final thirty (30) days after its date unless it is appealed
 10 to the board of county commissioners by a resident or
 11 taxpayer of either district affected by the territory
 12 transfer. The decision of the board of county
 13 commissioners, after a hearing on such matter and
 14 consideration of the material presented at the county
 15 superintendent's hearing, shall be final THIRTY (30) DAYS
 16 AFTER ITS DATE UNLESS A PETITION TO SUBMIT THE QUESTION TO A
 17 VOPE OF THE PEOPLE IN THE DISTRICT FROM WHICH THE LAND IS TO
 18 BE TRANSFERRED, WHICH HAS BEEN SIGNED BY A MAJORITY OF THE
 19 ELECTORS OF THE DISTRICT WHO RESIDE IN THE TERRITORY TO BE
 20 TRANSFERRED AND WHO ARE QUALIFIED TO VOTE IN ELECTIONS FOR
 21 THAT DISTRICT UNDER SECTION 75-6410, R.C.M. 1947, IS
 22 PRESENTED PRIOR TO THAT TIME. WHEN A PETITION IS SUBMITTED
 23 UNDER THIS SUBSECTION, THE QUESTION OF WHETHER THE LAND
 24 SHALL BE TRANSFERRED TO ANOTHER DISTRICT SHALL BE PUT BEFORE
 25 THE VOTERS AT THE THE NEXT REGULAR SCHOOL ELECTION IN THE

1 AFFECTED DISTRICT.

2 Whenever a petition to transfer territory from one
 3 elementary district to another elementary district would
 4 create a joint elementary district or affect the boundary of
 5 an existing joint elementary district, the petition shall be
 6 presented to the county superintendent of the county where
 7 the territory is located. Such county superintendent shall
 8 notify any other county superintendents of counties with
 9 districts affected by such petition and the duties
 10 prescribed in this section for the county superintendent and
 11 the board of county commissioners shall be performed jointly
 12 by such county officials."

13 Section 2. Section 75-6517, R.C.M. 1947, is amended to
 14 read as follows:

15 "75-6517. Limitations for creation of new elementary
 16 district. A new elementary district may be created out of
 17 the territory of an existing elementary district or
 18 districts when:

19 (1) the taxable value of the taxable property of the
 20 territory proposed to be included in such new district is
 21 seventy-five thousand dollars (\$75,000) or more, except that
 22 when fifty thousand (50,000) acres or more of such new
 23 district are nontaxable Indian land, this limitation shall
 24 not be applicable;

25 (2) the taxable value of the taxable property of each

1 existing district from which territory would be detached
 2 will be ~~seventy-five-thousand-dollars-(\$75,000)~~ one-million
 3 dollars-(\$1,000,000) ONE HUNDRED THOUSAND DOLLARS (\$100,000)
 4 or more after the territory is detached; and

1 ~~approval~~

-End-

5 (3) the ANB in any of the existing districts is not
 6 reduced to less than fifteen (15)."

7 Section 3. Section 75-6525, R.C.M. 1947, is amended to
 8 read as follows:

9 "75-6525. Limitations for organization of joint high
 10 school district. The boundaries of any high school district
 11 which encompass a county's portion of a joint elementary
 12 district where an elementary school is operated may be
 13 changed to establish a joint high school district. Such high
 14 school district boundary change shall be a transfer of all
 15 the territory located in another county's portion of the
 16 same joint elementary district. No such boundary change
 17 shall be made when:

18 (1) the territory transfer would reduce the taxable
 19 value of the taxable property of another high school
 20 district to less than ~~seven-hundred-fifty-thousand-dollars~~
 21 ~~(\$750,000)~~ one million dollars (\$1,000,000); or

22 (2) a portion of the territory to be transferred is
 23 less than three (3) miles from an operating, accredited high
 24 school located in another high school district."

25 ~~Section 4.--This--act--is--effective--on--passage--and~~