

HOUSE BILL NO. 383

INTRODUCED BY RAMIREZ, PORTER, FAGG, HUENNEKENS,  
FRATES, DOZIER, KESSLER, DAILY, DONALDSON

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1979	Committee recommend bill do pass. Report adopted.
February 17, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed.  Third reading, passed. Transmitted to second house.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Education.
March 10, 1979	Committee recommend bill be concurred in. Report adopted.
March 13, 1979	Second reading, concurred in.
March 16, 1979	Third reading, concurred in.

IN THE HOUSE

March 17, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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1 *House* BILL NO. *383*  
 2 INTRODUCED BY *Ramon Ortiz*  
 3 *Huerfano Fred Dyer* *Paul Daily* *Walden*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF  
 5 THE TRUSTEES OF A RECEIVING SCHOOL DISTRICT BEFORE A  
 6 TRANSFER OF TERRITORY FROM ANOTHER SCHOOL DISTRICT CAN BE  
 7 MADE; AMENDING SECTION 20-6-213, MCA."

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

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

11 "20-6-213. Transfer of territory from one elementary  
 12 district to another. (1) A majority of the electors of any  
 13 elementary district who are qualified to vote under the  
 14 provisions of 20-20-301 and who reside in territory which is  
 15 a part of an elementary district may petition the county  
 16 superintendent to transfer such territory to another  
 17 elementary district when:

18 (a) such territory is contiguous to the district to  
 19 which it is to be attached;

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

23 (c) the transfer of such territory will not reduce the  
 24 taxable value of the district to less than \$100,000 unless  
 25 the remaining territory of the district will contain not

1 less than 50,000 acres of nontaxable Indian land; and

2 ~~(d) the board of trustees of the school district that~~  
 3 ~~would receive the territory has approved the transfer.~~

4 (2) The petition shall be addressed to the county  
 5 superintendent and shall:

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

8 (b) state the reasons why such transfer is requested;  
 9 and

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

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

14 (a) file such petition;

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

18 (c) give notice of the place, date, and time of the  
 19 hearing. The notices shall be posted in the districts  
 20 affected by the request in the manner prescribed in this  
 21 title for school elections, with at least one such notice  
 22 posted in the territory to be transferred.

23 (4) The county superintendent shall conduct the  
 24 hearing as scheduled, and any resident or taxpayer of the  
 25 affected districts shall be heard. If the county

1 superintendent ~~shall deem~~ considers it advisable and in the  
 2 best interests of the residents of such territory, he shall  
 3 grant the petitioned request and order the change of  
 4 district boundaries to coincide with the boundary  
 5 description in the petition. Otherwise, he shall, by order,  
 6 deny the request. Either of the orders shall be final 30  
 7 days after its date unless it is appealed to the board of  
 8 county commissioners by a resident or taxpayer of either  
 9 district affected by the territory transfer. The decision of  
 10 the board of county commissioners, after a hearing on such  
 11 matter and consideration of the material presented at the  
 12 county superintendent's hearing, shall be final 30 days  
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 14 a vote of the people in the district from which the land is  
 15 to be transferred, which has been signed by a majority of  
 16 the electors of the district who reside in the territory to  
 17 be transferred and who are qualified to vote in elections  
 18 for that district under 20-20-301, is presented prior to  
 19 that time. When a petition is submitted under this  
 20 subsection, the question of whether the land shall be  
 21 transferred to another district shall be put before the  
 22 voters at the next regular school election in the affected  
 23 district.

24 (5) Whenever a petition to transfer territory from one  
 25 elementary district to another elementary district would

1 create a joint elementary district or affect the boundary of  
 2 an existing joint elementary district, the petition shall be  
 3 presented to the county superintendent of the county where  
 4 the territory is located. Such county superintendent shall  
 5 notify any other county superintendents of counties with  
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-End-

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